

ESTTA Tracking number: **ESTTA439747**

Filing date: **11/07/2011**

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 | Orient-Express Hotels Inc |
| Granted to Date of previous extension | 11/06/2011 |
| Address | 1114 Avenue of the Americas New York, NY 10036 UNITED STATES |

| | |
|----------------------|--|
| Attorney information | Tanya Miari Ladas & Parry LLP 224 S. MichiganSte. 1600 Chicago, IL 60604 UNITED STATES chiustm@ladas.net Phone:312-427-1300 |
|----------------------|--|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 78958367 | Publication date | 05/10/2011 |
| Opposition Filing Date | 11/07/2011 | Opposition Period Ends | 11/06/2011 |
| Applicant | Cipriani Group Inc. 110 East 42nd Street New York, NY 10017 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| <p>Class 035. All goods and services in the class are opposed, namely: Apartment, home and condominium services, namely, promoting the interests of renters and owners that reside in a community; resort hotel, condominium and cooperative housing services, namely, providing facilities for business meetings</p> |
| <p>Class 036. All goods and services in the class are opposed, namely: Leasing and rental of apartments, homes and condominiums; real estate services for apartments, homes and condominiums, namely, listing, leasing, financing and managing commercial, residential and hotel properties; real estate acquisition, management, brokerage, appraisal and consulting services</p> |
| <p>Class 037. All goods and services in the class are opposed, namely: Real estate development services and construction of commercial, residential and hotel properties</p> |
| <p>Class 041. All goods and services in the class are opposed, namely: Health club services, namely, providing instruction and equipment in the field of physical exercise; entertainment services, namely, providing live music concerts, music by disc jockeys, live performances by musical bands, personal</p> |

appearances by professional entertainers, and orchestra and dance performances; art exhibitions, concert booking; arranging for ticket reservations for shows and other entertainment events; booking of entertainment halls; casino and gaming services in the nature of gambling services; gymnasium and sport center services, namely, providing sports facilities; resort hotel, condominium and cooperative housing services, namely, providing facilities for exercise and recreational activities

Class 043.

All goods and services in the class are opposed, namely: Resort services, namely, resort hotels and resort lodging services; restaurant, bar and cocktail lounge services; restaurant services featuring multiple stations featuring a variety of food types; take-out restaurant services; cafe and cafeteria services; catering services; providing facilities for exhibitions; travel agency services, namely, making reservations and bookings for temporary lodging

Class 044.

All goods and services in the class are opposed, namely: Beauty salon services and health spa services, namely, cosmetic body care services

Class 045.

All goods and services in the class are opposed, namely: Concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs rendered together in a resort hotel and condominium environment

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 78957957 | Publication date | 05/10/2011 |
| Opposition Filing Date | 11/07/2011 | Opposition Period Ends | |
| Applicant | Cipriani Group Inc. 110 East 42nd Street New York, NY 10017 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 035.

All goods and services in the class are opposed, namely: Apartment, home and condominium services, namely, promoting the interests of renters and owners that reside in a community; resort hotel, condominium and cooperative housing services, namely, providing facilities for business meetings

Class 036.

All goods and services in the class are opposed, namely: Leasing and rental of apartments, homes and condominiums; real estate services for apartments, homes and condominiums, namely, listing, leasing, financing and managing commercial, residential and hotel properties; real estate acquisition, management, brokerage, appraisal and consulting services

Class 037.

All goods and services in the class are opposed, namely: Real estate development services and construction of commercial, residential and hotel properties

Class 041.

All goods and services in the class are opposed, namely: Health club services, namely, providing instruction and equipment in the field of physical exercise; entertainment services, namely, providing live music concerts, music by disc jockeys, live performances by musical bands, personal appearances by professional entertainers, and orchestra and dance performances; art exhibitions, concert booking; arranging for ticket reservations for shows and other entertainment events; booking of entertainment halls; casino and gaming services in the nature of gambling services; gymnasium and sport center services, namely, providing sports facilities; resort hotel, condominium and cooperative housing services, namely, providing facilities for exercise and recreational activities

Class 043.

All goods and services in the class are opposed, namely: Resort services, namely, resort hotels and resort lodging services; restaurant, bar and cocktail lounge services; restaurant services featuring

multiple stations featuring a variety of food types; take-out restaurant services; cafe and cafeteria services; catering services; providing facilities for exhibitions; travel agency services, namely, making reservations and bookings for temporary lodging

Class 044.

All goods and services in the class are opposed, namely: Beauty salon services and health spa services, namely, cosmetic body care services

Class 045.

All goods and services in the class are opposed, namely: Concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs rendered together in a resort hotel and condominium environment

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 78958011 | Publication date | 05/17/2011 |
| Opposition Filing Date | 11/07/2011 | Opposition Period Ends | |
| Applicant | Cipriani Group Inc. 110 East 42nd Street New York, NY 10017 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 035.

All goods and services in the class are opposed, namely: Apartment, home and condominium services, namely, promoting the interests of renters and owners that reside in a community; resort hotel, condominium and cooperative housing services, namely, providing facilities for business meetings

Class 036.

All goods and services in the class are opposed, namely: Leasing and rental of apartments, homes and condominiums; real estate services for apartments, homes and condominiums, namely, listing, leasing, financing and managing commercial, residential and hotel properties; real estate acquisition, management, brokerage, appraisal and consulting services

Class 037.

All goods and services in the class are opposed, namely: Real estate development services and construction of commercial, residential and hotel properties

Class 041.

All goods and services in the class are opposed, namely: Health club services, namely, providing instruction and equipment in the field of physical exercise; entertainment services, namely, providing live music concerts, music by disc jockeys, live performances by musical bands, personal appearances by professional entertainers, and orchestra and dance performances; art exhibitions, concert booking; arranging for ticket reservations for shows and other entertainment events; booking of entertainment halls; casino and gaming services in the nature of gambling services; gymnasium and sport center services, namely, providing sports facilities; resort hotel, condominium and cooperative housing services, namely, providing facilities for exercise and recreational activities

Class 043.

All goods and services in the class are opposed, namely: Resort services, namely, resort hotels and resort lodging services; restaurant, bar and cocktail lounge services; restaurant services featuring multiple stations featuring a variety of food types; take-out restaurant services; cafe and cafeteria services; catering services; providing facilities for exhibitions; travel agency services, namely, making reservations and bookings for temporary lodging

Class 044.

All goods and services in the class are opposed, namely: Beauty salon services and health spa services, namely, cosmetic body care services

Class 045.

| |
|--|
| All goods and services in the class are opposed, namely: Concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs rendered together in a resort hotel and condominium environment |
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Grounds for Opposition

| | |
|--------------------------------------|---|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |
| Other | Non-compliance with and inapplicability of prior Settlement Agreement |

Mark Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2146899 | Application Date | 10/14/1987 |
| Registration Date | 03/31/1998 | Foreign Priority Date | NONE |
| Word Mark | HOTEL CIPRIANI | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 042. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 hotel services; restaurant services of hotels owned or managed by the mark's proprietor or an affiliate of the mark's proprietor | | |

| | |
|-------------|--|
| Attachments | 11-7 Notice of Opp.pdf (15 pages)(623294 bytes) |
|-------------|--|

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 | /Tanya Miari/ |
| Name | Tanya Miari |
| Date | 11/07/2011 |

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

In re: Application Serial Nos. 78/958367, 78/957957, and 78/958011

Published: May 10, 2011, May 10, 2011 and May 17, 2011

Applicant: Cipriani Group, Inc.

Marks: CIPRIANI BEACH RESORT AND RESIDENCES MIAMI, CIPRIANI MIAMI,
and CIPRIANI MIAMI & Device

| | | |
|------------------------------|---|----------------------|
| ORIENT-EXPRESS HOTELS, INC., | § | Opposition No. _____ |
| | § | |
| Opposer | § | |
| | § | |
| vs. | § | |
| | § | |
| CIPRIANI GROUP, INC. | § | |
| | § | |
| Applicant. | § | |

CONSOLIDATED NOTICE OF OPPOSITION

Orient-Express Hotels, Inc. (“Opposer”), a Delaware corporation, located and doing business at 1114 Avenue of the Americas, New York, NY 10036 believes that it will be damaged by issuance of the registration of the marks as applied for by Cipriani Group, Inc. (“Applicant”), as shown in Application Serial Nos. 78/958367, 78/957957, and 78/958011, published in the *Official Gazette* on May 10, 2011, May 10, 2011 and May 17, 2011, respectively, and hereby opposes same and requests that registration to Applicant be refused.

FACTS COMMON TO ALL COUNTS

As grounds for this opposition, Opposer alleges:

1. Opposer is the owner of Registration No. 2146899 for the mark HOTEL CIPRIANI for “hotel services; restaurant services of hotels owned or managed by the mark’s proprietor or an affiliate of the mark’s proprietor” in International Class 042.

Opposer's application for said registration was filed on October 14, 1987 and matured to registration on March 31, 1998.

2. Opposer has used its HOTEL CIPRIANI mark on and in connection with the aforementioned services since at least as early as 1974.

3. On August 22, 2006, Applicant filed its application for registration of the mark CIPRIANI MIAMI under Application Serial No. 78/957957, (the "'957 Application") based upon intent-to-use which is the subject of this Opposition. That mark was published for opposition in the Official Gazette on May 10, 2011.

4. On August 22, 2006, Applicant filed its application for registration of the mark CIPRIANI MIAMI & Device under Application Serial No. 78/958011, (the "'011 Application") based upon intent-to-use which is the subject of this Opposition. That mark was published for opposition in the Official Gazette on May 17, 2011.

5. On August 23, 2006, Applicant filed its application for registration of the mark CIPRIANI BEACH RESORT & RESIDENCES MIAMI under Application Serial No. 78/958367, (the "'367 Application") based upon intent-to-use which is the subject of this Opposition. That mark was published for opposition in the Official Gazette on May 10, 2011.

6. In all three Applications, the '957 Application, the '011 Application and the '367 Application, Applicant has claimed the following services: "Apartment, home and condominium services, namely, promoting the interests of renters and owners that reside in a community; resort hotel, condominium and cooperative housing services, namely, providing facilities for business meetings" in Cl. 35; "Leasing and rental of apartments, homes and condominiums; real estate services for apartments, homes and condominiums, namely, listing, leasing, financing and managing commercial, residential and hotel properties; real estate acquisition, management, brokerage, appraisal and consulting services" in Cl. 36; "Real estate development services and construction of

commercial, residential and hotel properties” in Cl. 37; “Health club services, namely, providing instruction and equipment in the field of physical exercise; entertainment services, namely, providing live music concerts, music by disc jockeys, live performances by musical bands, personal appearances by professional entertainers, and orchestra and dance performances; art exhibitions, concert booking; arranging for ticket reservations for shows and other entertainment events; booking of entertainment halls; casino and gaming services in the nature of gambling services; gymnasium and sport center services, namely, providing sports facilities; resort hotel, condominium and cooperative housing services, namely, providing facilities for exercise and recreational activities” in Cl. 41; “Resort services, namely, resort hotels and resort lodging services; restaurant, bar and cocktail lounge services; restaurant services featuring multiple stations featuring a variety of food types; take-out restaurant services; cafe and cafeteria services; catering services; providing facilities for exhibitions; travel agency services, namely, making reservations and bookings for temporary lodging” in Cl. 43; “Beauty salon services and health spa services, namely, cosmetic body care services” in Cl. 44; and “Concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs rendered together in a resort hotel and condominium environment” in Cl. 45.

7. Opposer’s Registration No. 2146899 was cited as bar to registration of the Applicant’s ‘957 Application, ‘011 Application and its ‘367 Application.

8. In response to the bar to registration based upon Opposer’s cited Registration No. 2146899, Applicant submitted a copy of a 1997 Settlement Agreement between Opposer and Arrigo Cipriani and his affiliates (the “Agreement”). A copy of the Agreement is attached hereto as Exhibit A.

9. Opposer began and has maintained longstanding use of its HOTEL CIPRIANI mark in connection with the aforementioned services well prior to Applicant’s filing dates of August 22, 2006 and August 23, 2006.

10. Opposer has invested substantial resources in promoting its HOTEL CIPRIANI mark in the United States.

11. Opposer's services sold under the HOTEL CIPRIANI trademark have been extensively promoted throughout the U.S. and the world to the relevant trade and to the consuming public. By virtue of Opposer's extensive use and promotion of its HOTEL CIPRIANI mark, Opposer has established valuable goodwill in its mark, and the public has come to associate HOTEL CIPRIANI as signifying Opposer.

COUNT I

The '957 Application – CIPRIANI MIAMI

12. Opposer repeats and re-alleges Paragraphs 1-11 as if fully set forth herein.

13. Applicant's claimed trademark CIPRIANI MIAMI as proposed for use in connection with the aforementioned services in International Classes 035, 036, 037, 041, 043, 044 and 045 is so similar to Opposer's HOTEL CIPRIANI trademark used in connection with related or analogous services in International Class 042, as to be likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of Opposer's rights in its federally-registered trademark, which mark has been in use long prior to the filing of the Applicant's Application.

14. Based upon information and belief the services identified in the Applicant's '957 Application for the trademark CIPRIANI MIAMI and those services sold under the Opposer's name and mark could be sold to the same potential consumers or end-users.

15. Based upon information and belief the services identified in the Applicant's '957 Application for the trademark CIPRIANI MIAMI and those services sold under the Opposer's name and mark could move through the same channels of distribution.

16. Use by the Applicant of the trademark CIPRIANI MIAMI for which registration is sought in the '957 Application opposed herein, is without Opposer's consent or permission.

17. Applicant's registration of the trademark CIPRIANI MIAMI will result in damage, dilution, and in the diminishment in sales and the loss of the value of the Opposer's name and federally-registered mark.

18. Opposer has sold its services to numerous customers, and engaged in extensive and substantial advertising, sales and marketing of its mark and associated services. As a result of these substantial efforts and this investment, Opposer's mark is famous and well known to purchasers and the general public who recognize the mark as indicating the source of the services as Opposer.

19. Because of the high degree of distinctiveness of Opposer's HOTEL CIPRIANI mark, the length of time and extent to which Opposer has used its mark, the extensive advertising and publicity Opposer's mark has received, the nationwide trading area in which the Opposer's mark is used, and the high degree of customer recognition of the Opposer's HOTEL CIPRIANI mark, HOTEL CIPRIANI is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

20. Registration of the mark in the '957 Application would lessen the capacity of Opposer's famous mark to identify and distinguish Opposer's services sold thereunder and, as such, would cause dilution of the HOTEL CIPRIANI mark in violation of 15 U.S.C. § 1125(c) and 1127.

21. For the reasons set forth herein, registration by Applicant of its CIPRIANI MIAMI mark would seriously damage Opposer and should be refused because use and/or registration of Applicant's CIPRIANI MIAMI mark is likely to cause dilution of Opposer's famous HOTEL CIPRIANI mark, thereby damaging Opposer's goodwill in its

HOTEL CIPRIANI mark, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has extended considerable sums and effort in promoting its mark.

COUNT II

The '011 Application – CIPRIANI MIAMI & Device

22. Opposer repeats and re-alleges Paragraphs 1-21 as if fully set forth herein.

23. Applicant's claimed trademark CIPRIANI MIAMI & Device as proposed for use in connection with the aforementioned services in International Classes 035, 036, 037, 041, 043, 044 and 045 is so similar to Opposer's HOTEL CIPRIANI trademark used in connection with related or analogous services in International Class 042, as to be likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of Opposer's rights in its federally-registered trademark, which mark has been in use long prior to the filing of the Applicant's Application.

24. Based upon information and belief the services identified in the Applicant's '011 Application for the trademark CIPRIANI MIAMI & Device and those services sold under the Opposer's name and mark could be sold to the same potential consumers or end-users.

25. Based upon information and belief the services identified in the Applicant's '011 Application for the trademark CIPRIANI MIAMI & Device and those services sold under the Opposer's name and mark could move through the same channels of distribution.

26. Use by the Applicant of the trademark CIPRIANI MIAMI & Device for which registration is sought in the '011 Application opposed herein, is without Opposer's consent or permission.

27. Applicant's registration of the trademark CIPRIANI MIAMI & Device will result in damage, dilution, and in the diminishment in sales and the loss of the value of the Opposer's name and federally-registered mark.

28. Opposer has sold its services to numerous customers, and engaged in extensive and substantial advertising, sales and marketing of its mark and associated services. As a result of these substantial efforts and this investment, Opposer's mark is famous and well known to purchasers and the general public who recognize the mark as indicating the source of the services as Opposer.

29. Because of the high degree of distinctiveness of Opposer's HOTEL CIPRIANI mark, the length of time and extent to which Opposer has used its mark, the extensive advertising and publicity Opposer's mark has received, the nationwide trading area in which the Opposer's mark is used, and the high degree of customer recognition of the Opposer's HOTEL CIPRIANI mark, HOTEL CIPRIANI is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

30. Registration of the mark in the '011 Application would lessen the capacity of Opposer's famous mark to identify and distinguish Opposer's services sold thereunder and, as such, would cause dilution of the HOTEL CIPRIANI mark in violation of 15 U.S.C. § 1125(c) and 1127.

31. For the reasons set forth herein, registration by Applicant of its CIPRIANI MIAMI & Device mark would seriously damage Opposer and should be refused because use and/or registration of Applicant's CIPRIANI MIAMI & Device mark is likely to cause dilution of Opposer's famous HOTEL CIPRIANI mark, thereby damaging Opposer's goodwill in its HOTEL CIPRIANI mark, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has extended considerable sums and effort in promoting its mark.

COUNT III

The '367 Application - CIPRIANI BEACH RESORT AND RESIDENCES MIAMI

32. Opposer repeats and re-alleges Paragraphs 1-31 as if fully set forth herein.
33. Applicant's claimed trademark CIPRIANI BEACH RESORT AND RESIDENCES MIAMI as proposed for use in connection with the aforementioned services in International Classes 035, 036, 037, 041, 043, 044 and 045 is so similar to Opposer's HOTEL CIPRIANI trademark used in connection with related or analogous services in International Class 042, as to be likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of Opposer's rights in its federally-registered trademark, which mark has been in use long prior to the filing of the Applicant's Application.
34. Based upon information and belief the services identified in the Applicant's '367 Application for the trademark CIPRIANI BEACH RESORT AND RESIDENCES MIAMI and those services sold under the Opposer's name and mark could be sold to the same potential consumers or end-users.
35. Based upon information and belief the services identified in the Applicant's '367 Application for the trademark CIPRIANI BEACH RESORT AND RESIDENCES MIAMI and those services sold under the Opposer's name and mark could move through the same channels of distribution.
36. Use by the Applicant of the trademark CIPRIANI BEACH RESORT AND RESIDENCES MIAMI for which registration is sought in the '367 Application opposed herein, is without Opposer's consent or permission.
37. Applicant's registration of the trademark CIPRIANI BEACH RESORT AND RESIDENCES MIAMI will result in damage, dilution, and in the diminishment in sales and the loss of the value of the Opposer's name and federally-registered mark.

38. Opposer has sold its services to numerous customers, and engaged in extensive and substantial advertising, sales and marketing of its mark and associated services. As a result of these substantial efforts and this investment, Opposer's mark is famous and well known to purchasers and the general public who recognize the mark as indicating the source of the services as Opposer.

39. Because of the high degree of distinctiveness of Opposer's HOTEL CIPRIANI mark, the length of time and extent to which Opposer has used its mark, the extensive advertising and publicity Opposer's mark has received, the nationwide trading area in which the Opposer's mark is used, and the high degree of customer recognition of the Opposer's HOTEL CIPRIANI mark, HOTEL CIPRIANI is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

40. Registration of the mark in the '367 Application would lessen the capacity of Opposer's famous mark to identify and distinguish Opposer's services sold thereunder and, as such, would cause dilution of the HOTEL CIPRIANI mark in violation of 15 U.S.C. § 1125(c) and 1127.

41. For the reasons set forth herein, registration by Applicant of its CIPRIANI BEACH RESORT AND RESIDENCES MIAMI mark would seriously damage Opposer and should be refused because use and/or registration of Applicant's CIPRIANI BEACH RESORT AND RESIDENCES MIAMI mark is likely to cause dilution of Opposer's famous HOTEL CIPRIANI mark, thereby damaging Opposer's goodwill in its HOTEL CIPRIANI mark, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has extended considerable sums and effort in promoting its mark.

COUNT IV

The Agreement Has Not Been Complied With and Does Not Control

42. Opposer repeats and re-alleges Paragraphs 1-41 as if fully set forth herein.

43. The Agreement as appears in Exhibit A, which Applicant has submitted to obtain registration of the '957 '011 and '367 Applications has not been complied with.


44. The Agreement as appears in Exhibit A, which Applicant has submitted to obtain registration of the '957 '011 and '367 Applications does not control the present circumstances.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial Nos. 78/958367, 78/957957, and 78/958011 be denied.

Please charge any necessary fee regarding this Opposition to Deposit Account No. 12-0400, and credit any overpayment to such deposit account.

Respectfully submitted,

Dated: 11/7/11

By: 
Tanya H. Miari, One of the
Attorneys for Opposer

Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, IL 60604
(312) 427-1300

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION is being electronically filed with the United States Patent and Trademark Office on this 7th day of November, 2011.


Tanya H. Miari

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was deposited with the U.S. Postal Service on this 7th day of November 2010 as first class mail, postage prepaid, addressed to counsel for Applicant, as follows:

Donna Mirman Broome
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York NY 10016

Dated: 11/7/11

By: 
Tanya H. Miari

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEA CONTAINERS AMERICA, INC. and HOTEL
CIPRIANI, SpA,

Plaintiff

- against -

HARRY CIPRIANI, INC., VITTORIA
CORPORATION, RESTEQ CORPORATION and
ARRIGO CIPRIANI,

Defendant.

Docket No. 92 Civ. 1686 (MP)

Settlement Agreement

Agreement between Hotel Cipriani and its affiliates
("Hotel") and Arrigo Cipriani and his affiliates ("Arrigo")

1. Hotel may use the name "Hotel Cipriani" in the United States in connection with the hotel business. In addition, Hotel may operate restaurants in a hotel which it owns or manages in the United States which shall be identified as "Hotel Cipriani Restaurant" or "Restaurante Hotel Cipriani" or its equivalent. Hotel may not in any such restaurant use the name "Cipriani" alone or the names "Harry Cipriani" or "Bellini by Cipriani," and Hotel will not commence use of the "Hotel Cipriani" name in a restaurant located in a city in which Arrigo is already using the "Cipriani" name in a restaurant.
2. Arrigo may conduct any business it chooses to engage in, providing that it is designated, with or without the bartender logo, as "Cipriani" with the identity of the product or service offered or any other descriptive terms or name except use of the word "hotel" in connection therewith.
3. Both parties consent to registrations by the other in the United States Patent and Trademark Office consistent with the rights set forth in paragraphs one (1) and two (2) above.
4. Arrigo may continue to use the present inventory of products and packaging until the same is

exhausted that currently contains only the name "Cipriani."

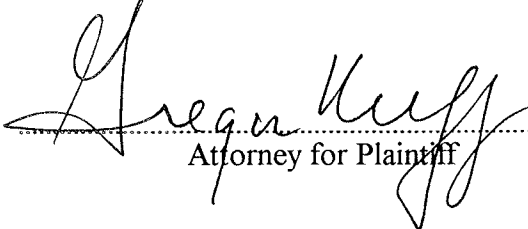
5. The parties will maintain their services and products at a high level of quality that appeals to a sophisticated clientele.


Dated: April 4, 1997
New York, NY

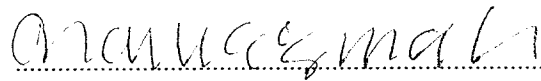
APPROVED:

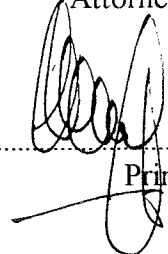

.....
United States District Judge

I hereby consent to the foregoing proposed settlement agreement and the Court's order:


.....
Attorney for Plaintiff


.....
Principal Party


.....
Attorney for Defendant


.....
Principal Party

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SEA CONTAINERS AMERICA, INC. and
HOTEL CIPRIANI, SpA,

Plaintiffs,

CIVIL ACTION NO.
92 CIV. 1686 (MP)

against

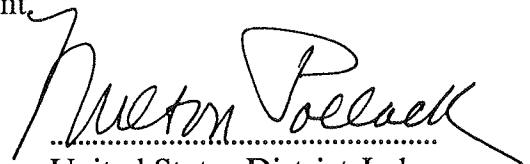
HARRY CIPRIANI, INC. VITTORIA
CORPORATION, RESTEQ CORPORATION and
ARRIGO CIPRIANI,

Defendants
-----X

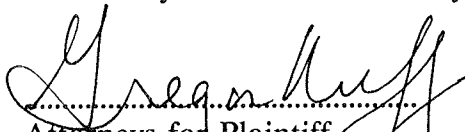
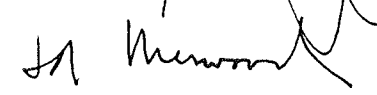
This cause having duly come on to be heard before me and the attorneys for all parties having appeared and advised the Court that all claims asserted herein have been settled in accordance with a signed agreement, made in the presence of the principals of the parties and their attorneys, it is


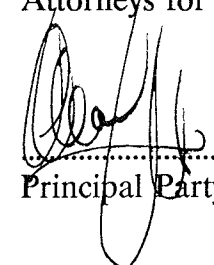
ORDERED that the above entitled action and counterclaims be and hereby are dismissed with prejudice and without costs to any parties. The Court retains jurisdiction to interpret and enforce the terms of the settlement agreement.

Dated: April 4, 1997


United States District Judge

We hereby consent to the entry of this order:


Attorneys for Plaintiff

Principal Party


Attorneys for Defendant

Principal Party