

ESTTA Tracking number: **ESTTA564832**

Filing date: **10/14/2013**

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	Hotel Tonight, Inc.
Granted to Date of previous extension	10/13/2013
Address	901 Market Street, Suite 310 San Francisco, CA 94103 UNITED STATES

Attorney information	Grace Han Stanton & Julianne A. Henley Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099 UNITED STATES pctrademarks@perkinscoie.com, gstanton@perkinscoie.com, jhenley@perkinscoie.com, lsjohnson@perkinscoie.com Phone:2063598000
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**Applicant Information**

Application No	85779423	Publication date	04/16/2013
Opposition Filing Date	10/14/2013	Opposition Period Ends	10/13/2013
Applicant	Table Tonight, Inc. 15841 Camino Del Cerro Los Gatos, CA 95032 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: downloadable computer software in the nature of a mobile application that allows users to locate and place on-line restaurant reservations in the food service industry
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**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.	4200119	Application Date	11/23/2010
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	HOTEL TONIGHT		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Computer application software for mobile phones, namely, software that allows users to find, research, analyze, compare and book special offers and promotions in the fields of consumer goods and services, namely, travel and lodging</p> <p>Class 039. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing an interactive website featuring information on travel</p> <p>Class 042. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing temporary use of a web-based software application that allows users to find, research, analyze, track, manage, compare and book special offers and promotions in the fields of consumer goods and services, namely, travel and lodging</p> <p>Class 043. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing an interactive website featuring travel agency services, namely, making reservations and bookings for temporary lodgings</p>

U.S. Registration No.	4200118	Application Date	11/23/2010
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	H HOTEL TONIGHT		
Design Mark			
Description of Mark	The mark consists of a stylized drawing of the letter "H" shaped as the side view of a bed with the stylized words "Hotel Tonight" above.		
Goods/Services	<p>Class 009. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Computer application software for mobile phones, namely, software that allows users to find, research, analyze, compare and book special offers and promotions in the fields of consumer goods and services, namely, travel and lodging</p> <p>Class 039. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing an interactive website featuring information on travel</p> <p>Class 042. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing temporary use of a web-based software application that allows users to find, research, analyze, track, manage, compare and book special offers and promotions in the fields of consumer goods and services, namely, travel and lodging</p> <p>Class 043. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Providing an interactive website featuring travel agency services, namely, making reservations and bookings for temporary lodgings</p>		

Attachments	<p>TABLE TONIGHT NOO.pdf(22801 bytes )</p> <p>Exhibit A.pdf(30323 bytes )</p> <p>Exhibit B.pdf(31183 bytes )</p> <p>Exhibit C.pdf(28217 bytes )</p>
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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	/Julianne A. Henley/
Name	Grace Han Stanton & Julianne A. Henley
Date	10/14/2013