

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: June 9, 2015

Opposition No. 91221228

The ONE Group LLC, JEC II LLC

v.

Outrigger Hotels Hawaii

By the Trademark Trial and Appeal Board:

On April 23, 2015, Applicant filed an abandonment of its application Serial No. 86196638, with respect to “restaurant and bar services” in Class 43, the only services opposed in this opposition. Applicant acknowledged that the withdrawal of those services was being filed unilaterally which may result in a judgment against Applicant.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to Applicant's abandonment of its “restaurant and bar services,” is not of record, judgment is entered against Applicant with respect to those services.

The wording “restaurant and bar services will be removed from Class 43, which will now read as follows:

Hotel services; resort lodging services; providing temporary accommodations; agency services for the reservation of temporary accommodations; information in the field of providing temporary accommodation

The opposition is sustained with respect to the opposed services and registration to Applicant is refused.¹

¹ Inasmuch as the Board does not have jurisdiction over the unopposed classes, Classes 35, 36, and the remaining services in Class 43 (as listed above), application Serial No. 86196638 will move forward to issue with respect to the remaining services.