

ESTTA Tracking number: **ESTTA928622**

Filing date: **10/15/2018**

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	Karisma Hotels & Resorts Corporation, Ltd.		
Entity	Corporation	Citizenship	British Virgin Islands
Address	Av. Lope de Vega #19, Torre Piisa Suite 301, Ensanche Naco Santo Domingo, 10205 DOMINICAN REPUBLIC		

Attorney information	J. Michael Hurst Keating Muething & Klekamp PLL 1 E. 4th St., Ste. 1400 Cincinnati, OH 45202 UNITED STATES mhurst@kmklaw.com, mmusekamp@kmklaw.com, trademarks@kmklaw.com 5135621401		
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Applicant Information

Application No	87777840	Publication date	09/18/2018
Opposition Filing Date	10/15/2018	Opposition Period Ends	10/18/2018
Applicant	Karma Resorts Pte. Ltd. 160 Robinson Road #18-07, Singapore, 068914 SINGAPORE		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: hotel and resort services in the nature of travel lodging and hotel booking services, making reservations and booking for temporary lodging, and providing temporary accommodations and meals to clients of a health or beauty spa

Applicant Information

Application No	87777829	Publication date	09/18/2018
Opposition Filing Date	10/15/2018	Opposition Period Ends	10/18/2018
Applicant	Karma Resorts Pte. Ltd. 160 Robinson Road #18-07, Singapore, 068914 SINGAPORE		


Goods/Services Affected by Opposition

<p>Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: hotel and resort services in the nature of travel lodging and hotel booking services, making reservations and booking for temporary lodging, and providing temporary accommodations and meals to clients of a health or beauty spa</p>
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Grounds for Opposition

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

U.S. Registration No.	3268089	Application Date	07/07/2006
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	KARISMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2000/12/15 First Use In Commerce: 2000/12/15 Business marketing consultation and business management services for others in the fields of resort hotels, restaurants and hospitality industries</p> <p>Class 039. First use: First Use: 2000/12/15 First Use In Commerce: 2000/12/15 Travel and tour information; travel and tour ticket reservation services</p> <p>Class 043. First use: First Use: 2000/12/15 First Use In Commerce: 2000/12/15 Hotel, resort hotel and restaurant services; consulting services in the field of culinary arts; consulting services in the field of hospitality; reservation of hotel rooms for travelers</p>		

Attachments	78924947#TMSN.png(bytes) Consolidated Notice of Opposition.pdf(176678 bytes)
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Signature	/J. Michael Hurst/
Name	J. Michael Hurst
Date	10/15/2018

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

<p>Karisma Hotels & Resorts Corporation, Ltd.</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>Karma Resorts Pte. Ltd.</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p> <p>Serial No.: 87/777840 Mark: KARMA RESORTS Filing Date: January 31, 2018 Published: September 18, 2018</p> <p>Serial No.: 87/777829 Mark: KARMA GROUP Filing Date: January 31, 2018 Published: September 18, 2018</p>
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CONSOLIDATED NOTICE OF OPPOSITION

Karisma Hotels & Resorts Corporation, Ltd. (“Opposer”), a corporation of the British Virgin Islands, with its principal offices located at Av. Lope de Vega #19, Torre Piisa, Suite 301, Ensanche Naco, Santo Domingo, Dominican Republic, 10205, believes it will be damaged by registration of Serial Nos. 87/777840, KARMA RESORTS, and 87/777829, KARMA GROUP, both of which are owned by Karma Resorts Pte. Ltd. (“Applicant”), with an address of 160 Robinson Road, #18-07, Singapore 068914 and hereby opposes the same. Allegations with respect to Opposer are based on actual knowledge. Allegations with respect to Applicant are based upon information and belief. As grounds for this consolidated opposition, Opposer alleges as follows:

1. Opposer is a British Virgin Islands corporation with its principal place of business at Av. Lope de Vega #19, Torre Piisa, Suite 301, Ensanche Naco, Santo Domingo, Dominican Republic, 10205.
2. Opposer is a long-established, multi-national company engaged in, among other things, hotel, resort hotel, and restaurant management.

3. Since at least as early as 2000, Opposer has offered hotel, resort hotel, and restaurant services; consulting services in the field of culinary arts; consulting services in the field of hospitality; reservation of hotel rooms for travelers; travel agency services, namely, arranging temporary accommodation for travel vacations under the KARISMA brand.

4. Opposer owns the following valid and subsisting federal trademark registration for its KARISMA mark (the “KARISMA Mark”) for the services listed below (“Opposer’s Services”). A copy of the TSDR print out for the following registration is attached as Exhibit A.

Mark	Services	Status
KARISMA	(Int’l Class: 35) business marketing consultation and business management services for others in the fields of resort hotels, restaurants and hospitality industries (Int’l Class: 39) travel and tour information; travel and tour ticket reservation services (Int’l Class: 43) hotel, resort hotel and restaurant services; consulting services in the field of culinary arts; consulting services in the field of hospitality; reservation of hotel rooms for travelers	<i>Registered</i> Reg. No. – 3268089 Reg. – 07.24.2007

5. The existence of this valid and subsisting federal trademark registration constitutes *prima facie* evidence of the ownership and validity of the KARISMA Mark. Moreover, Registration No. 3268089 is incontestable pursuant to 15 U.S.C. § 1065, which constitutes conclusive evidence of Opposer’s exclusive right to use this mark for the services specified in this registration pursuant to 15 U.S.C. §§ 1065 and 1115(b).

6. Opposer, has continuously and extensively used the KARISMA Mark in commerce in connection with the advertising, promotion, and sale of Opposer’s Services well prior to January 31, 2018, the filing date of Applicant’s Serial Nos. 87/777840 and 87/777829.

7. Opposer has enjoyed substantial sales and has spent vast sums in advertising and promoting Opposer’s Services in connection with its KARISMA Mark throughout the United States.

8. Opposer's KARISMA Mark has achieved such widespread public recognition as to become commercially strong and well-known.

9. Applicant, Karma Resorts Pte. LTD., is a Singapore company with an address of 160 Robinson Road, #18-07, Singapore 068914.

10. Applicant is the listed owner of KARMA RESORTS, Serial No. 87777840, and KARMA GROUP, Serial No. 87777829, both for, among other things, "*hotel and resort services in the nature of travel lodging and hotel booking services, making reservations and booking for temporary lodging, and providing temporary accommodations and meals to clients of a health or beauty spa*" in Class 43 ("Conflicting Services").

Likelihood of Confusion - 15 U.S.C. § 1052(d)

11. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 10.

12. The Conflicting Services are identical, closely related, and/or complementary to Opposer's Services that are advertised and sold in connection with Opposer's KARISMA Mark.

13. Applicant's KARMA RESORTS and KARMA GROUP marks so resembles Opposer's previously used KARISMA Mark as to be likely to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

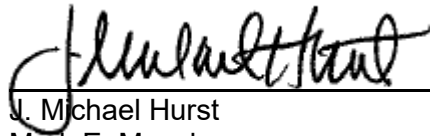
14. Because Serial Nos. 87/777840 and 87/777829 are owned by the same party and include an identical KARMA component, consolidation of each opposition is appropriate under 37 CFR § 2.104(b) and TMBP § 305.01.

15. For the foregoing reasons, Opposer is being and will be further damaged by the registration of the marks KARMA RESORTS and KARMA GROUP for the Conflicting Services in Serial Nos. 87/777840 and 87/777829.

WHEREFORE, Opposer respectfully requests that registration of the marks KARMA RESORTS and KARMA GROUP in Serial Nos. 87/777840 and 87/777829, respectively, be refused with respect to *“hotel and resort services in the nature of travel lodging and hotel booking services, making reservations and booking for temporary lodging, and providing temporary accommodations and meals to clients of a health or beauty spa”* in Class 43 and that this consolidated opposition be sustained.

Opposer authorizes the Board to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 500735.

Respectfully submitted,



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Attorney for Opposer
Karisma Hotels & Resorts Corporation, Ltd..

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Consolidated Notice Of Opposition was served via email, on October 18, 2018 upon Applicant's attorney of record:

Lisa W. Rosaya
Baker & Mckenzie LLP
452 Fifth Avenue
New York, NY 10018



Mark E. Musekamp

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Mark: KARISMA

KARISMA

US Serial Number: 78924947

Application Filing Date: Jul. 07, 2006

US Registration Number: 3268089

Registration Date: Jul. 24, 2007

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jul. 19, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: KARISMA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3148124

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Business marketing consultation and business management services for others in the fields of resort hotels, restaurants and hospitality industries

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2000

Use in Commerce: Dec. 15, 2000

For: Travel and tour information; travel and tour ticket reservation services

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2000

Use in Commerce: Dec. 15, 2000

For: Hotel, resort hotel and restaurant services; consulting services in the field of culinary arts; consulting services in the field of hospitality; reservation of hotel rooms for travelers

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2000

Use in Commerce: Dec. 15, 2000

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Karisma Hotels & Resorts Corporation, Ltd.

Owner Address: P.O. Box 3175
Road Town
VIRGIN ISLANDS, BRITISH

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	J. Michael Hurst	Docket Number:	KA6825IP0001
Attorney Primary Email Address:	mhurst@kmklaw.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	J. MICHAEL HURST KEATING MUETHING & KLEKAMP PLL ONE EAST FOURTH STREET, SUITE 1400 CINCINNATI, OHIO 45202 UNITED STATES	Phone:	5135621401	Fax:	5135796457
Correspondent e-mail:	mhurst@kmklaw.com	Correspondent e-mail Authorized:	Yes		

Domestic Representative

Domestic Representative Name:	J. Michael Hurst	Phone:	5135621401		
Fax:	5135796457				
Domestic Representative e-mail:	mhurst@kmklaw.com	Domestic Representative e-mail Authorized:	Yes		

Prosecution History

Date	Description	Proceeding Number
Jul. 19, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 19, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Jul. 19, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	59136
Jul. 17, 2017	TEAS SECTION 8 & 9 RECEIVED	
Jul. 24, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 29, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 29, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Jun. 29, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	59136
Jun. 17, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jun. 14, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Apr. 05, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 05, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 24, 2007	REGISTERED-PRINCIPAL REGISTER	
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 11, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Mar. 11, 2007	ASSIGNED TO LIE	69712
Feb. 12, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 09, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 08, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 08, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 08, 2006	NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2006	NON-FINAL ACTION WRITTEN	74305
Dec. 06, 2006	ASSIGNED TO EXAMINER	74305
Jul. 12, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 24, 2017

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 19, 2017