

ESTTA Tracking number: **ESTTA1044249**

Filing date: **03/23/2020**

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	Las Vegas Resort Holdings, LLC		
Entity	Corporation	Citizenship	DE
Address	2535 Las Vegas Boulevard South Las Vegas, NV 89109 UNITED STATES		

Attorney information	Joshua Eichenstein Hamrick & Evans LLP 2600 W. OLIVE AVENUE Burbank, CA 91505 UNITED STATES jeichenstein@hamricklaw.com, aray@hamricklaw.com, hmartindale@hamricklaw.com 818-763-5292		
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Applicant Information

Application No	88598131	Publication date	03/17/2020
Opposition Filing Date	03/23/2020	Opposition Period Ends	04/16/2020
Applicant	Digital Gaming Corporation Limited 4th Floor 7/10 Chandos Street, Cavendish Square London, W1G9DQ UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: entertainment services, namely, providing online casino-style games and games of chance; entertainment services, namely, providing online slot machine-style games; entertainment services, namely, online casino gaming

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. Application No.	88556160	Application Date	07/31/2019
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SAHARA RESORT CASINO		
Design Mark			
Description of Mark	<p>The mark consists of three sections: Ontop is a stylized combination of the letter "S" and an "infinity" symbol consisting of four disconnected parallel lines that creates a symmetrical shape having two circles in the center of the top and bottom sections of the lines. Beneath the aforementioned description begins the second section of the mark consisting of stylized spelling of the word "SAHARA" in capital letters and in large font size. Beneath the aforementioned description begins the third section of the mark consisting of the words "RESORT" and "CASINO" in capital letters, separated by a vertical line and in smaller font size than the second section.</p>		
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services</p>		
U.S. Application No.	88556173	Application Date	07/31/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAHARA LAS VEGAS		

Design Mark	
Description of Mark	The mark consists of the stylized spelling of the word "SAHARA" in capital letters and in large font size. The words "LAS VEGAS" are written beneath the word "SAHARA" in capital letters and in smaller font size than "SAHARA".
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services</p>

U.S. Application No.	88556186	Application Date	07/31/2019
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SAHARA RESORT CASINO
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Design Mark	
Description of Mark	The mark consists of stylized spelling of the word "SAHARA" in capital letters. Located beneath the word "SAHARA" are the words "RESORT" and "CASINO" in capital letters and separated by vertical line.
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services</p>

U.S. Application No.	88556197	Application Date	07/31/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAHARA RESORT		
Design Mark			
Description of Mark	<p>The mark consists of three sections: On top is a stylized combination of the letter "S" and an "infinity" symbol consisting of four disconnected parallel lines that creates a symmetrical shape having two circles in the center of the top and bottom sections of the lines. Beneath the aforementioned description begins the second section of the mark consisting of stylized spelling of the word "SAHARA" in capital letters and in large font size. Beneath the aforementioned description begins the third section of the mark consisting of the word "RESORT" in capital letters and in smaller font size than the word "SAHARA".</p>		
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services</p>		
U.S. Application No.	88556153	Application Date	07/31/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	S SAHARA LAS VEGAS		

Design Mark	
Description of Mark	<p>The mark consists of three sections: Ontop is a stylized combination of the letter "S" and an infinity symbol consisting of four disconnected parallel lines that creates a symmetrical shape having two circles in the center of the top and bottom sections of the lines. Beneath the aforementioned description begins the second section of the mark consisting of stylized spelling of the word "SAHARA" in capital letters and in large font size. Beneath the aforementioned description begins the third section of the mark consisting of the words "LAS VEGAS" in capital letters and in smaller font size than the second section.</p>
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services; Providing convention facilities Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services</p>

U.S. Application No.	88558848	Application Date	08/01/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAHARA RESORT		
Design Mark			
Description of Mark	<p>The mark consists of stylized spelling of the word "SAHARA" in capital letters and in large font size. Beneath the word "SAHARA" is the word "RESORT" in capital letters and in smaller font size.</p>		
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities Class 045. First use: First Use: 0 First Use In Commerce: 0</p>		

	Providing hotel concierge services
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U.S. Application No.	88558873	Application Date	08/01/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAHARA		
Design Mark			
Description of Mark	The mark consists of stylized spelling of the word "SAHARA" in capital letters, a style in which the horizontal line in the letter "A" is removed.		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services		

U.S. Application No.	88558884	Application Date	08/01/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAHARA LAS VEGAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Casino services, Nightclub services; Lounge services in the nature of night clubs featuring live musical and dance entertainment performances Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel, bar and restaurant services. Providing convention facilities Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing hotel concierge services		

Attachments	88556160#TMSN.png(bytes)
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Signature	/Joshua Eichenstein/
Name	Joshua Eichenstein
Date	03/23/2020

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

**Las Vegas Resort Holdings, LLC, a Delaware
limited liability company**

Opposer

v.

Digital Gaming Corporation Limited

Applicant.

Opposition No. _____

Serial No.: 88/598131

Mark: MAGIC OF SAHARA

Class: 041

Filing Date: August 29, 2019


Publication Date: March 17, 2020







NOTICE OF OPPOSITION PURSUANT TO 15 U.S.C. 1063

Las Vegas Resort Holdings, LLC a Delaware limited liability company, located and doing business at 2535 Las Vegas Boulevard South Las Vegas NV 89109, (hereinafter “Opposer”), believes that it will be damaged by the registration of the mark shown in Application Serial No. 88/598131 in Class 041 (hereinafter the “‘131 Application”), filed by Digital Gaming Corporation Limited (hereinafter “Applicant”) on August 29, 2019, and therefore opposes the ‘131 Application.

The grounds for this opposition are as follows:

1. Opposer is the owner of, and will rely herein upon, the following Federal Trademark 1(b) applications that predate Applicant’s trademark filing:

MARK	SER. NO.	Application Filed	GOODS
	88556160	July 31, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045

	88556173	July 31, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045
	88556186	July 31, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045
	88556197	July 31, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045
	88556153	July 31, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045
	88558848	August 1, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045
	88558873	August 1, 2019	IC 041. G & S: Casino services, et.al. Additional classes include

			IC 043 and IC 045
SAHARA LAS VEGAS	88558884	August 1, 2019	IC 041. G & S: Casino services, et.al. Additional classes include IC 043 and IC 045

(hereinafter collectively referred to as “Opposer’s Sahara Marks”).

2. Opposer’s Sahara Marks have constructive use priority over the ‘131 Application pursuant to TMEP § 201.02 established by their July 31 and August 1, 2019 ITU filing dates.

3. Upon information and belief, Applicant’s ‘131 Application for “MAGIC OF SAHARA” is a confusingly similar trademark to Opposer’s Sahara Marks, and Applicant intends to provide confusingly similar goods and services described as “*casino-style games and games of chance*” as a junior user to Opposer’s senior use of “*casino services*”.

4. On January 16, 2020, Opposer filed a “Letter of Protest” with the USPTO against the ‘131 Application two months before Publication.

5. On February 3, 2020, Ms. Judy Grundy, Attorney Advisor Office of the Deputy Commissioner for Trademark Examination Policy issued a “Letter of Protest Memorandum” which considered the ‘131 Application to resemble Opposer’s Sahara Marks to the extent that the USPTO accepted Opposers letter of protest, “*because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in ex parte examination.*” (See Document #4 “Administrative Response” in ‘131 Application Prosecution History).

6. Applicant filed the ‘131 Application without Opposer’s knowledge, consent or permission.

7. Opposer will be damaged by registration of the ‘131 Application and should be refused registration pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), on the grounds that Applicant’s applied-for name so closely resembles the Opposer’s Sahara Marks, as to be likely, when used in connection with the goods and services identified in the ‘131 Application, to cause confusion, or to cause mistake, or to deceive, with resultant injury to Opposer and to the public.

8. WHEREFORE, registration of the '131 Application would damage Opposer, and therefore Opposer requests that registration be denied.

Undersigned counsel has submitted this Opposition with the requisite filing fee. All communications regarding this Opposition should be addressed to counsel at the address listed below.

Respectfully submitted this 23rd day of March 2020

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