

ESTTA Tracking number: **ESTTA1146627**

Filing date: **07/14/2021**

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	Vacasa, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	850 NW 13TH AVE. PORTLAND, OR 97209 UNITED STATES		
Attorney information	ELIZABETH MILESNICK IDEALEGAL 2240 N INTERSTATE AVE., STE. 270 PORTLAND, OR 97227 UNITED STATES Primary Email: emilesnick@idealegal.com Secondary Email(s): breisberg@idealegal.com, trademarks@idealegal.com, docketing@idealegal.com 5039025760		
Docket Number			

**Applicant Information**

Application No.	90322125	Publication date	06/15/2021
Opposition Filing Date	07/14/2021	Opposition Period Ends	07/15/2021
Applicant	Casa Real Estate, Inc. 887 PRODUCTION PLACE NEWPORT BEACH, CA 92633 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Real estate brokerage of residential properties; Real estate service, namely, rental property management

**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.	5978798	Application Date	03/12/2018
Registration Date	02/04/2020	Foreign Priority Date	NONE

Word Mark	VACASA
Design Mark	
Description of Mark	The mark consists of a house depicted by lines, with the literal element "VA-CASA" to the right of the house.
Goods/Services	<p>Class 036. First use: First Use: 2018/08/14 First Use In Commerce: 2018/08/14  Real estate services, namely, rental of vacation homes; Real estate services, namely, rental of vacation homes, condominiums, cabins, and villas using pay per click advertising on a global computer network; Rental of homes; Vacation home rental management services, namely, arranging guest check in, cleaning services and maintenance services for vacation homes</p> <p>Class 042. First use: First Use: 2018/10/11 First Use In Commerce: 2018/10/11  Interior design services</p> <p>Class 043. First use: First Use: 2018/08/14 First Use In Commerce: 2018/08/14  Providing temporary lodging information via the Internet, namely, providing a website featuring information in the field of temporary lodging; arranging temporary housing accommodations; providing online reservation services for temporary lodging; travel agency services, namely, making reservations and bookings for temporary lodging; providing travel and accommodation information services over global computer networks, namely, providing an online searchable database featuring information about temporary accommodations; travel agency services, namely, making reservations and bookings for temporary accommodations at vacation homes, condominiums, cabins, and villas; providing information in the field of temporary accommodations available for rent, namely, property descriptions and images, reviews, locations and amenities, availability and rates for temporary accommodations</p>

Attachments	87830182#TMSN.png( bytes ) Notice of Opposition re HOUSE_CASA.pdf(96243 bytes )
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Signature	/s/ Elizabeth Milesnick
Name	Elizabeth Milesnick
Date	07/14/2021

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

VACASA, LLC,

Opposer,

v.

CASA REAL ESTATE, INC.,


Applicant.

Application Serial No.: 90322125

Mark:  casa


Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Vacasa, LLC (“Opposer”) believes that it will be damaged by registration of the trademark  (the “CASA mark”) as set forth in Application Serial No. 90322125 and published in the *Official Gazette* on June 15, 2021, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a Delaware limited liability company with its principal place of business at 850 NW 13th Ave., Portland, Oregon 97209.
2. On information and belief, Casa Real Estate, Inc. (“Applicant”), is a California corporation with its principal place of business at 887 Production Place, Newport Beach, California 92633.

3. Opposer is the owner of valid and subsisting United States Trademark Registration No. 5978798 on the Principal Register in the United States Patent and Trademark Office for the trademark  for “Real estate services, namely, rental of vacation homes; Real estate services, namely, rental of vacation homes, condominiums, cabins, and villas using pay per click advertising on a global computer network; Rental of homes; Vacation home rental management services, namely, arranging guest check in, cleaning services and maintenance services for vacation homes” in International Class 36, among others, which issued on February 4, 2020. Opposer is also the owner of the following valid and subsisting United States Trademark Registrations on the Principal Register in the United States Patent and Trademark Office:

(i) Registration No. 3948738 for the trademark VACASA for “Real estate service, namely, rental property management; Real estate services, namely, rental of vacation homes; Real estate services, namely, rental of vacation homes, condominiums, cabins, and villas using pay per click advertising on a global computer network; Real estate services, namely, vacation home rental management services; Rental of homes” in Class 36, which issued on April 19, 2011;

(ii) Registration No. 5778856 for the trademark VACSA for “Real estate services, namely, property management services for condominium associations and homeowner associations” in Class 36, which issued on June 18, 2019; and

(iii) Registration No. 5926002 for the trademark VACASA for “Real estate brokerage services; providing an Internet website portal offering information in the field of real estate concerning the purchase and sale of residential real property; providing residential real estate listings and real estate information; providing a searchable website featuring financial information about existing purchase and sale transactions of residential real property; real estate valuation services, financial valuation of residential

real estate; real estate investment advisory services” in Class 36, which issued on December 3, 2019.

Collectively, these Registrations are referred to herein as the “VACASA Marks.”

4. Opposer has used the VACASA Marks in interstate commerce in the United States continuously since April 19, 2011 in connection with the provision, offering for sale, sale, marketing, advertising and promotion of rental property management, the listing and rental of vacation homes, and others.

5. As a result of its widespread, continuous, and exclusive use of the VACASA Marks to identify their services and Opposer as the source, Opposer owns valid and subsisting federal statutory and common law rights to the VACASA Marks.

6. Opposer has expended substantial time, money, and resources marketing, advertising, and promoting the services provided under the VACASA Marks.

7. Applicant filed U.S. Trademark Registration Application Serial No. 90322125 to register the mark CASA on November 16, 2020 (“the CASA Application”) in connection with “Real estate brokerage of residential properties; Real estate service, namely, rental property management” in International Class 36, under an intent-to-use basis.

8. Opposer’s VACASA Mark has priority over the proposed CASA mark because Opposer’s use and registration dates predate Applicant’s filing date of CASA.

9. Applicant’s proposed CASA mark is confusingly similar to Opposer’s VACASA Marks. The VACASA Marks and proposed CASA mark share the distinguishing “CASA” element, which is the part of each mark that receives the most emphasis in pronunciation. They are also similar in meaning, with the word “casa” predominant in both marks and the Spanish word for “house,” a reference to the real estate services that Opposer provides and Applicant intends to provide. Also, significantly, the “casa” portion of the marks is written in an identical font, and each design shows an outline of a house. As shown below, with

the exception of two small letters, the CASA design mark gives an almost identical commercial impression to the VACASA design mark:



10. The services covered by the CASA Application overlap substantially with the services for which Opposer has registered its VACASA Marks, including real estate brokerage and the management of rental property.

11. The proposed mark is barred from registration because it consists of or comprises a mark that so resembles Opposer's previously used and registered VACASA Marks as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that its opposition be sustained and that registration to Applicant be refused.

DATED this 14th day of July, 2021.

/s/ Elizabeth Tedesco Milesnick  
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