

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Applicant: Desert Rock Enterprises II, LLC
Serial No.: 88/257,632,
Mark: **CIRCA LAS VEGAS**
Class: 41, 43
Filed: January 10, 2019
To: U.S. Patent and Trademark Office
Attn: Rebecca Lee
Trademark Examining Attorney
Law Office 122

REQUEST TO LIFT SUSPENSION

On March 27, 2019, the trademark examining attorney suspended action on this application for CIRCA LAS VEGAS (“Applicant’s Mark”), pending examination of U.S. Serial Number 87/960,443 for CIRCA. Applicant, Desert Rock Enterprises II, LLC respectfully requests that the suspension be lifted and Applicant’s Mark be approved for publication as both applications are under common control.

The owner of the cited pending application for CIRCA is Circa Resorts LLC, and the authorized agent is Derek J. Stevens. *See* Exhibit A. Applicant Desert Rock Enterprises, II LLC is likewise under the direction of Derek J. Stevens, as demonstrated by the attached Exhibit B, where he is listed as the managing member.

Accordingly, due to the unity of control over Applicant's Mark and the cited application for CIRCA, there is no likelihood of confusion as to the source of the mark. *See In re Wella A.G.*, 5 USPQ2d 1359, 1361 (TTAB 1987), *rev'd on other grounds*, 858 F.2d 725, 8 USPQ2d 1365 (Fed. Cir. 1988) (Board concluded that there was no likelihood of confusion between marks owned by applicant and related company because "Control and source are inextricably linked"). Accordingly, Applicant respectfully requests that the suspension be lifted and the application be approved for publication.

Respectfully Submitted,

/Jenny Slocum/

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