



DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2011 MAR 28 P 12: 57

HEARINGS OFFICE

BUSINESS REGISTRATION DIVISION
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	CN 2010-2
)	
Corporate Name)	DIRECTOR'S ORDER OF
)	ABATEMENT
"HAWAII TOP TOUR LLC")	
)	
)	
)	

DIRECTOR'S ORDER OF ABATEMENT

On February 16, 2011, the duly appointed Hearings Officer submitted her Findings of Fact, Conclusions of Law and Recommended order in the above-captioned matter to the Director of the Department of Commerce and Consumer Affairs ("Director"). Copies of the Hearings Officer's recommended decision were also transmitted to the parties. On March 7, 2011, Hawaii Top Tour LLC, through its Manager Kyunghye K. Jeong ("Respondent") filed exceptions to the Hearings Officer's recommended decision. On March 15, 2011, TTA, Inc. ("Petitioner") by and through its attorney Christopher P. Aguilera, Esq. filed a statement in support of the Hearings Officer's recommended decision. Oral arguments were not requested.

Upon review of the entire record of this proceeding, the Director adopts the Hearings Officer's recommended decision as the Director's Order of Abatement. Accordingly, the Director finds and concludes that Petitioner has established by a preponderance of the evidence that Petitioner has common law rights of ownership to the mark "TOPTOUR" and that Respondent's use of "Hawaii Top Tour LLC" is confusingly similar to Petitioner's mark and constitutes an infringement of Petitioner's mark.

Accordingly, the Director orders that within 60 days of the issuance of this Order of Abatement, Respondent shall (1) change its registered name; (2) register the new name with

