

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB MAY 30, 00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Gold Glass Group Corporation

Serial No. 75/029,618

Myron Amer of Myron Amer, P.C. for Gold Glass Group
Corporation.

Matthew Pappas, Trademark Examining Attorney, Law Office
104 (Sidney Moskowitz, Managing Attorney).

Before Cissel, Hanak and Walters, Administrative Trademark
Judges.

Opinion by Hanak, Administrative Trademark Judge:

Gold Glass Group Corporation (applicant) seeks to
register CLICK-STOP RETRACTABLE BLADE in typed drawing form
for "utility knife blade holders and knives." The intent-
to-use application was filed on December 8, 1995.
Applicant disclaimed the exclusive right to use RETRACTABLE
BLADE apart from the mark in its entirety.

Citing Section 2(d) of the Trademark Act, the Examining Attorney refused registration on the basis that applicant's mark, if applied to applicant's goods, would be likely to cause confusion with the mark CLIK-STOP, previously registered in typed drawing form for "adjustable wrenches." Registration No. 670,555 issued December 12, 1958.

When the refusal to register was made final, applicant appealed to this Board. Applicant and the Examining Attorney filed briefs. Applicant did not request a hearing.

At the outset, one procedural matter needs to be addressed. In the first Office Action, the Examining Attorney correctly referred to the registered mark as CLIK-STOP. In response, applicant incorrectly referred to the registered mark as CLICK-STOP. Thereafter, both applicant and the Examining Attorney have continuously referred (incorrectly) to the registered mark as CLICK-STOP. This is not particularly surprising given the fact that CLIK-STOP (the correct rendition of the registered mark) and CLICK-STOP (the incorrect rendition of the registered mark) are identical in terms of pronunciation and connotation, and are almost identical in terms of visual appearance.

In any likelihood of confusion analysis, two key considerations are the similarities of the goods and the similarities of the marks. Federated Foods, Inc. v. Fort Howard Paper Co., 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) ("The fundamental inquiry mandated by Section 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.").

Considering first the goods, the Examining Attorney has made of record a considerable body of evidence demonstrating that both knives and wrenches (including adjustable wrenches) are sold under the same marks by the same companies. In addition, the Examining Attorney has made of record a substantial body of evidence demonstrating that knives and wrenches (including adjustable wrenches) are often used together in performing certain jobs or tasks.

Applicant has not disputed the foregoing. Indeed, applicant has acknowledged that "utility knives and wrenches are well known to craftsmen, like carpenters, plumbers, etc., and would therefore be sold in a retail store catering to craftsmen." (Applicant's brief page 1). Instead, applicant merely argues the obvious, namely, that

knives and adjustable wrenches are different products.
(Applicant's brief page 1).

In order for there to exist a likelihood of confusion, applicant's goods and registrant's goods need not be identical. Rather, they need only be related to a degree such that if identical or clearly similar marks were used on both products, consumers would assume that both products emanated from a common source. In this case, it is beyond dispute that adjustable wrenches and knives are sold to the same purchasers; are sold in the same channels of trade; are used in conjunction with one another to perform certain jobs or tasks; and are often marketed by the same companies under the same marks. In light of the foregoing, we find that adjustable wrenches and knives are closely related tools.

Turning to a consideration of the marks, we note that while marks must be compared in their entirety, there is nothing improper in giving more weight to one portion of a mark than to another portion of a mark. Considering applicant's mark CLICK-STOP RETRACTABLE BLADE, we find that the words RETRACTABLE BLADE are clearly descriptive of a type of knife whose blade can be retracted. Indeed, applicant attached to its brief a picture of its knife which shows that applicant's knife does indeed have a

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retractable blade. Thus, applicant quite properly disclaimed the descriptive words RETRACTABLE BLADE.

In essence, applicant has adopted registrant's mark CLIK-STOP in its entirety; modified it ever so slightly by changing the spelling of CLIK to the correct spelling of CLICK; and then added the wording RETRACTABLE BLADE, which is clearly descriptive of a type of knife, and indeed, is descriptive of applicant's particular knife. It is been repeatedly stated "that one may not appropriate the entire mark of another and avoid a likelihood of confusion by the addition thereto of descriptive or otherwise subordinate matter." Bellbrook Dairies v. Hawthorn-Mellody Dairy, 253 F.2d 431, 117 USPQ 213, 214 (CCPA 1958) and cases cited therein.

We firmly believe that consumers familiar with CLIK-STOP adjustable wrenches, would, upon seeing the mark CLICK-STOP RETRACTABLE BLADE on knives, assume that both products emanated from a common source and that the words

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RETRACTABLE BLADE merely described the particular type of
knife.

Decision: The refusal to register is affirmed.

R. F. Cissel

E. W. Hanak

C. E. Walters
Administrative Trademark
Judges, Trademark Trial
and Appeal Board