

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB JUNE 8, 00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **Kraftmaid Cabinetry, Inc.**

Serial No. 75/**298,383**

Edgar A. Zarins for **Kraftmaid Cabinetry, Inc.**

Cheryl S. Goodman, Trademark Examining Attorney, Law Office
102 (**Thomas Shaw**, Managing Attorney).

Before **Hairston**, **Walters** and **Rogers**, Administrative
Trademark Judges.

Opinion by **Hairston**, Administrative Trademark Judge:

Kraftmaid Cabinetry, Inc. has appealed from the final
refusal of the Trademark Examining Attorney to register the
mark KRAFTLINE for "kitchen and bathroom cabinets."¹

The Examining Attorney has refused registration under
Section 2(d) of the Trademark Act on the ground that
applicant's mark, when applied to kitchen and bathroom

¹ Serial No. 75/298,383, filed May 27, 1997, alleging a bona fide
intention to use the mark in commerce.

cabinets, so resembles each of the following marks, which are registered to the same entity, as to be likely to cause confusion, mistake or deception:

CRAFTLINE for "wood and aluminum building materials, namely, windows and doors;"²

for "windows and doors made primarily of metal;"³

CRAFTLINE ULTRA E for "doors and windows glazed with insulated glass;"⁴ and

CRAFTLINE E for "doors and windows glazed with insulated glass."⁵

Briefs have been filed, but an oral hearing was not requested. We affirm the refusal to register.

In analyzing likelihood of confusion, two key considerations are the similarities between the marks and the similarities between the goods. Turning first to a consideration of the goods, the Examining Attorney maintains that kitchen and bathroom cabinets and doors and

² Registration No. 744,617 issued February 5, 1963; renewed.

³ Registration No. 1,400,903 issued July 15, 1986; Sections 8 & 15 affidavit filed.

⁴ Registration No. 1,548,313 issued July 18, 1989; Sections 8 & 15 affidavit filed.

⁵ Registration No. 1,549,167 issued July 25, 1989; Sections 8 & 15 affidavit filed.

windows are related products. In order to show a sufficient relationship between the respective goods, the Examining Attorney has made of record four registrations, three of which indicate that entities have registered a single mark for kitchen cabinets and windows and doors; and one registration which indicates that an entity has registered a single mark for bathroom cabinets and windows and doors. In addition, the Examining Attorney made of record Internet print-outs which show that doors are part of kitchen and bathroom cabinets and that building/home centers offer kitchen and bathroom cabinets, on the one hand, and windows and doors, on the other hand. The Examining Attorney submits that a homeowner remodeling a kitchen and/or bathroom may well replace a window or interior door in one or both of those rooms.

Applicant, in urging reversal of the refusal to register, contends that the respective goods are not related because in remodeling a kitchen or bathroom, a homeowner focuses on the interior components of that room, whereas in the installation of windows and/or doors, a homeowner is concerned with the exterior of the home. Further, applicant maintains that the goods are often offered in outlets which specialize in either kitchen and bathroom cabinets or doors and windows, or in different

sections of home centers. Finally, applicant argues that consumers exercise care in selecting kitchen and bathroom cabinets as well as windows and doors.

With respect to the goods, as has often been stated, the goods need not be identical or even competitive in nature in order to support a finding of likelihood of confusion. It is sufficient that the goods are related in some manner and/or that the circumstances surrounding their marketing are such that they would be likely to be encountered by the same persons under circumstances that would give rise, because of the marks used in connection therewith, to the mistaken belief that the goods originated from or are in some way associated with the same source. In re International Telephone & Telegraph Corp., 197 USPQ 910 (TTAB 1978).

In this case, the third-party registrations are probative to the extent that they suggest that the involved goods are of a type which may emanate from a single source under the same mark. Moreover, in the absence of any limitations in applicant's application, we must presume that applicant's kitchen and bathroom cabinets travel in the same channels of trade as registrant's windows and doors, e.g., building/home centers, to the same classes of purchasers, namely builders, remodeling contractors, and

individual "do-it-yourselfers." Contrary to applicant's argument, a do-it-yourselfer remodeling a kitchen and/or a bathroom may well be concerned with windows and doors, particularly if the space is being reconfigured or expanded. We note applicant's argument that purchasers of the involved goods would exercise care in their selection. Although the goods herein are somewhat expensive, we would not characterize do-it-yourselfers as discriminating purchasers who would carefully analyze the specifications of the goods. Under the circumstances, we find that the involved goods are sufficiently related that if sold under identical or substantially similar marks, confusion is likely to occur in the marketplace.

Turning then to a consideration of the marks, we note that applicant, in its brief, makes no mention of the marks. We agree with the Examining Attorney that applicant's mark KRAFTLINE and the cited marks CRAFTLINE, CRAFTLINE and design, CRAFTLINE ULTRA E and CRAFTLINE E are substantially similar in appearance and engender the same commercial impression.

In determining likelihood of confusion, it is the similarity of the overall commercial impression engendered by the marks which must be considered. This test requires us to consider that the average purchaser normally retains

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a general rather than a specific impression of trademarks. As noted by the Examining Attorney, purchasers may not recollect the design element, "ULTRA E," or "E" in the cited marks, or that applicant's mark begins with the letter "K"

Accordingly, we conclude that purchasers and prospective customers, familiar with any of registrant's CRAFTLINE marks for windows and doors, would be likely to believe, upon encountering applicant's KRAFTLINE mark for kitchen and bathroom cabinets, that such goods emanate from or are otherwise sponsored by the same source.

Decision: The refusal to register under Section 2(d) of the Trademark Act is affirmed.

P. T. Hairston

C. E. Walters

G. F. Rogers
Administrative Trademark Judges
Trademark Trial and Appeal Board

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