

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: October 30, 2008

PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Maslyukov

Serial No. 77107926

Request for Reconsideration

Pavel Maslyukov, pro se.

Esther A. Belenker, Trademark Examining Attorney, Law
Office 111 (Craig D. Taylor, Managing Attorney).

Before Hairston, Walsh and Ritchie de Larena,
Administrative Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

On September 17, 2008, the Board affirmed the
examining attorney's refusal to register applicant's mark
HAIG for "whisky" under Section 2(e)(4) of the Trademark
Act.

Applicant has timely filed a request for
reconsideration of the Board's decision. In his request,
applicant argues that the Board's decision is in error

because (1) during prosecution of the involved application, the examining attorney made of record evidence concerning the mark BONES, and such mark is obviously not the subject of the involved application; (2) the Board failed to make a "name-goods" association when in other cases a "place-goods" association has been required; and (3) the Board failed to resolve doubt about whether HAIG is primarily merely a surname in applicant's favor.

With respect to applicant's first contention, a review of the file of the involved application reveals that the examining attorney did not make of record any information concerning the mark BONES. Rather, it appears that applicant is referring to information listed at the site of this proceeding in the Board's TTABVUE Inquiry System. Specifically, we note there that there are several third-party Application Serial Nos. and Registration Nos. listed for the mark BONES, and links to such applications and registrations. These listings and links should not have been entered at this site and the Board regrets the error. They will be removed from the site. In any event, so as to be clear, we did not consider any evidence concerning the mark BONES in reaching our decision herein.

Insofar as applicant's second contention is concerned, applicant appears to be under the mistaken impression that

in order to find that a mark is a primarily merely a surname, the Office is required to prove a "name-goods" association. While the Office must prove a "goods/place" association, for example, in order to find that a mark is primarily geographically deceptively misdescriptive under Section 2(e)(3), there is no corresponding requirement that the Office prove a "name-goods" association in order to find that a mark is primarily merely a surname.

Finally, with respect to applicant's third contention, we have no doubt that HAIG is primarily merely a surname. The record in this case fully supports such a finding and, therefore, there is no need to resolve any doubt on this issue.

Decision: In view of the foregoing, applicant's request for reconsideration is denied. The decision affirming the refusal under Section 2(e)(4) of the Act remains as issued.