

Hearing:  
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PTH

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB FEB. 3, 98  
U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re **Garmin Corporation**

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Serial No. 74/**527,855**

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**Devon A. Rolf** of **Kokjer, Kircher, Bowman & Johnson, P.C.**  
for **Garmin Corporation**.

**Gerald T. Glynn**, Trademark Examining Attorney, Law Office  
102 (**Myra Kurzbard**, Managing Attorney).

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

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

An application has been filed by Garmin Corporation to register the mark GPSMAP for goods which were subsequently identified as "global positioning indicators, namely, electronic receivers used in marine and avionic navigation for use in locking onto a plurality of signals emitted from

global satellites to determine the geographical locale of a positioning indicator."<sup>1</sup>

Registration has been finally refused under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), on the ground that applicant's mark, when applied to its goods, so resembles the mark GPS MAP-KIT, with the designation "GPS" disclaimed, and registered for "audio receivers of Global Positioning Satellite Signals combined with a CD-ROM geographic data storage device,"<sup>2</sup> as to be likely to cause confusion or mistake or to deceive.

We reverse.

Turning first to the goods, applicant contends that the respective goods of the parties have different applications, and more importantly, are sold to sophisticated purchasers. It appears from this record, and in fact the Examining Attorney has conceded, that the goods are used for different purposes. (Brief, p. 4) In particular, registrant's goods receive global positioning satellite signal information and store the geographical data in a CD-ROM device, whereas applicant's goods are used to pinpoint a global positioning indicator's geographic locale. Further, while neither the identification of goods in the application or registration

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<sup>1</sup> Application Serial No. 74/527,855 filed May 23, 1994, alleging a bona fide intention to use the mark in commerce.

<sup>2</sup> Registration No. 1,773,453 issued May 25, 1993. The designation "GPS" has been disclaimed apart from the mark as shown.

contains any restrictions as to trade channels and purchasers, it is nonetheless clear from the nature of the goods that they are sophisticated electronic equipment which would be selected with great care by purchasers familiar with the source or origin of the products.

Turning then to the marks, due to the highly suggestive nature of GPSMAP and GPS MAP-KIT as applied to the respective goods, we find that they are sufficiently different to avoid any likelihood of confusion. In this regard, we note that the designation GPS, which has been disclaimed in registrant's mark GPS MAP-KIT, is an acronym for "Global Positioning System."<sup>3</sup> The marks GPSMAP and GPS MAP-KIT were obviously adopted to suggest that each parties' electronic receivers are for use in connection with the Global Positioning System. Under the circumstances, the scope of protection afforded registrant's mark must be limited and cannot extend to preclude the registration by others of similarly suggestive, but otherwise distinguishable trademarks for electronic receivers for use in connection with the Global Positioning System. Here, the

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<sup>3</sup> The Examining Attorney made of record an excerpt from Newton's Telecom Dictionary (7<sup>th</sup> ed.) wherein GPS is defined as:

Global Positioning System. A system to allow us all to figure out precisely where we are anywhere on earth. The GPS will eventually consist of a constellation of 21 satellites orbiting the earth at 10,900 miles--they circle the earth twice a day. In a way, you can think of them as "man-made stars" to replace the stars that we've traditionally used

differences between the marks as a result of applicant's presentation of its mark as one term, GPSMAP, and the inclusion of KIT in registrant's mark, GPS MAP-KIT, are sufficient, in view of the nature of the marks to avoid any likelihood of confusion.

In sum, given the deliberation involved in determining the suitability of particular electronic receivers for use in connection with the Global Positioning System, the different applications for the parties' respective goods, and the highly suggestive nature of the marks, we believe that the parties' mark are not so similar that confusion as to the origin or affiliation of the parties' respective goods would be likely to occur.

Decision: The refusal to register is reversed.

E. W. Hanak

P. T. Hairston

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

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