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THE TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Pro Select, Inc.

Serial No. 76/092,271

Request for Reconsideration

Marshall A. Burmeister for Pro Select, Inc.

Dawn J. Feldman, Trademark Examining Attorney, Law Office
111 (Craig D. Taylor, Managing Attorney).

Before Hanak, Hairston and Drost, Administrative Trademark
Judges.

Opinion by Hairston, Administrative Trademark Judge:

On June 23, 2003 applicant filed a request for
reconsideration of the Board's decision issued March 4,
2003, wherein the Board affirmed the refusal to register
applicant's mark TRIUMPH for golf clubs and golf equipment
in view of a registration for the mark TRIUMPH for tennis
rackets, under Section 2(d) of the Trademark Act.

Applicant argues that the Board's decision is incorrect because applicant and registrant's goods are different, the channels of trade are different, the purchasers of the goods are sophisticated, and the mark TRIUMPH is weak and therefore entitled to a limited scope of protection.

The purpose of reconsideration is to point out errors made by the Board in reaching its decision, not to merely reargue the case as applicant has done. We addressed each of applicant's contentions in our decision and we do not find any error in our determination thereof.

In addition, applicant continues to maintain that it is a significant factor in this case that its vice-president Matthew Adams has not encountered TRIUMPH tennis rackets at any trade shows he has attended or in any sporting goods literature he has read. Although we addressed Mr. Adams' declaration in our decision, we should add that his experience in this regard is hardly surprising and certainly not persuasive of a different result in this case. Mr. Adams stated in his declaration that most of the trade shows he attends are limited to golf equipment and the type of sporting goods literature he reads are golfing magazines. One would not normally expect to find manufacturers of tennis racquets exhibiting at golf

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equipment trade shows. Nor would one normally expect to find advertisements for tennis racquets in golfing magazines. In any event, as we indicated in our decision (p. 5), applicant's goods are not limited to golf pro shops, and thus we must assume that they may be sold by sporting goods retailers and mass merchandisers.

Inasmuch as we see no error in our decision, the request for reconsideration is denied and the decision affirming the refusal to register under Section 2(d) of the Act remains as issued.