

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB FEB. 2,00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Jurassic Stone Company
v.
Solnhofen Natural Stone, Inc.

Cancellation No. 25,354

Request for Reconsideration

Edward A. Pennington of Morgan & Finnegan for Jurassic Stone
Company

Veronica Colby Devitt of Limbach & Limbach for Solnhofen
Natural Stone, Inc.

Before Simms, Quinn and Walters, Administrative Trademark
Judges.

Opinion by Simms, Administrative Trademark Judge:

Solnhofen Natural Stone, Inc. (respondent) has filed a
request for reconsideration of the Board's decision issued
October 29, 1999, wherein the Board held that respondent's
registered mark is primarily geographically descriptive and
that respondent, at the time of registration, did not have

substantially exclusive use of its asserted mark so as to justify registration under Sec. 2(f) of the Act.

In its request for reconsideration, respondent argues that the record does not demonstrate the meaning of the term SOLNHOFEN to the relevant public. Respondent argues that the term "Solnhofen" is obscure and remote, and that there is no indication that the purchasing public would expect limestone bearing respondent's trademark SOLNHOFEN to have its origin in Solnhofen, Germany. Respondent states that none of petitioner's witnesses were relevant consumers. Also, respondent maintains that the evidence does not support the finding that there were more than *de minimis* third-party sales of Solnhofen stone prior to respondent's asserted establishment of secondary meaning.

Contrary to respondent's arguments, we believe that the record is sufficient to establish that the term "Solnhofen" identifies a geographic area to the relevant consumers of limestone and is primarily geographically descriptive of respondent's limestone. The testimony is also sufficient to show that third parties have used the term Solnhofen in connection with their sales of stone in sufficient quantities prior to any asserted secondary meaning by respondent. Others were selling and advertising similar stone under a similar name in this country. Moreover respondent's own brochure discusses the "ancient limestone

beds...[of] the Solnhofen quarry," and that the Romans may have been the first to appreciate Solnhofen limestone because the Roman soldiers used Solnhofen stone in their public baths. Respondent's own use of the term "Solnhofen" reinforces its geographic descriptiveness. Because the registered term is primarily geographically descriptive and without secondary meaning, respondent's request for reconsideration is denied.

R. L. Simms

T. J. Quinn

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