

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB 1/13/00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Fleet Mortgage Group, Inc.

Serial No. 75/109,738

Request for Reconsideration

W. R. Duke Taylor and George T. Schooff of Harness, Dickey
& Pierce, P.L.C. for Fleet Mortgage Group, Inc.

Caryn L. Hines, Trademark Examining Attorney, Law Office
108 (David Shallant, Managing Attorney).

Before Cissel, Hairston and Wendel, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Applicant, Fleet Mortgage Group, Inc., has requested
reconsideration of the Board's September 23, 1999 decision
affirming the Examining Attorney's refusal to register the
mark EXPEDITER for "home mortgage loan programs which
provide expeditious credit approval without an underlying
security property, or expeditious credit approval with an

underlying security property" under Section 2(e)(1) of the Trademark Act.

Applicant has raised two arguments in its reconsideration request. First, applicant argues that its mark is entitled to registration because on the issue of descriptiveness, all doubts should be resolved in favor of publication. While applicant is correct in its statement of the principle, the principle is not applicable here because we have no doubts that the mark EXPEDITER is merely descriptive of applicant's services.

Second, applicant argues that its mark is entitled to registration because the mark EXPEDITE SERVICES is registered to a third party for banking services. It is well settled that each case must be decided on its own set of facts. We are not privy to the record in the file of the cited registration and, moreover, the determination of registrability of a particular mark by the Trademark Examining Groups cannot control the result in another case involving a different mark.

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Decision: The request for reconsideration is denied.

R. F. Cissel

P. T. Hairston

H. R. Wendel
Administrative Trademark Judges
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