

**THIS OPINION IS NOT A  
PRECEDENT OF THE TTAB**

Mailed:  
May 2, 2008

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Trademark Trial and Appeal Board**

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In re Davies Gate LLC

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Serial No. 78761852

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**Submission of Disclaimer**

Marnie Wright Barnhorst of The Trademark Group, APLC for  
Davies Gate LLC.

A. D. Saunders, Trademark Examining Attorney, Law Office  
109 (Dan Vavonese, Managing Attorney).

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Before Hohein, Drost and Bergsman, Administrative Trademark  
Judges.

Opinion by Bergsman, Administrative Trademark Judge:

Davies Gate LLC filed an intent-to-use application to  
register the mark DAVIES GATE SUGAR PLUM, in standard  
character form, for "skin soap; liquid soap for hands, face  
and body; cream for the hands, face and body; shower and  
bath gel; skin lotion, non-medicated bath preparations;  
bath and body powders" (Serial No. 78761852). The  
Trademark Examining Attorney issued a final requirement  
that applicant disclaim the exclusive right to use "Sugar  
Plum" on the ground that the term "Sugar Plum" is merely

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descriptive. Section 6 of the Trademark Act of 1946, 15 U.S.C. §1056.

On appeal, by decision issued January 29, 2008, the Board affirmed the disclaimer requirement, agreeing that "Sugar Plum" is merely descriptive. On February 28, 2008, applicant filed a disclaimer of the term "Sugar Plum" apart from the mark as shown. The disclaimer is accepted and entered.

Accordingly, the Board's January 29, 2008 decision is set aside. The application for registration, with the disclaimer, will be forwarded for publication of the mark for possible opposition.