

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Drost

Mailed: 20 April 2006

Opposition No. 91153755

Walters Gardens, Inc.

v.

Pride of Place Plants,
Inc.

Before Drost, Kuhlke, and Walsh, Administrative Trademark
Judges.

By the Board:

The board is aware that the case of In re KRB Seed Co.,
76 USPQ2d 1156 (TTAB 2005) is currently on appeal to the
U.S. Court of Appeals for the Federal Circuit. The issue in
that case involves whether varietal or cultivar names are
generic designations that cannot be registered as
trademarks. In the present case, if applicant's mark PIILU
is a varietal or cultivar name, the next question would be
whether it can be registered as a trademark. Because the
outcome of the KRB Seed case could have a direct impact on
this case, the board exercises its discretion and suspends
proceedings in this opposition pending a determination in
the KRB Seed case. TBMP § 510.01 (2d ed. rev. 2004).

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cc:

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