

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.: 78582076

For the mark: National Truck Stop Directory

Published in the Official Gazette on: December 6, 2005

Randall Publishing Company, Inc.



v.

12-28-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

TR Information Publishers

NOTICE OF OPPOSITION

Randall Publishing Company Inc.; Alabama;

3200 Rice Mine Road N.E., Tuscaloosa, Alabama 35406

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

- (1) Opposer, Randall Publishing Company, is a corporation with its principal place of business located in Tuscaloosa, Alabama. In February of 2005 Randall Publishing began to publish its printed publication under the name "The Trucker's News-National Truck Stop Directory", a directory related to nationwide commercial truck stops. Similarly, the applicant, TR Information Publishers, is engaged in the publication of "The Trucker's Friend-National Truck Stop Directory", also related to nationwide commercial trucking.
- (2) Randall Publishing Company is engaged in the production of a printed publication named "The Trucker's News-National Truck Stop Directory". Randall Publishing Company and its publication concerning nationwide commercial truck stops will be damaged if TR Information Publishers is granted the registered mark "National Truck Stop Directory" by this Board because it will interfere with and/or may have a bearing on a pending federal lawsuit involving both parties over the use of the title "The National Truck Stop Directory". Randall Publishing Company and TR Publishers are currently involved in litigation before the United States District Court Middle

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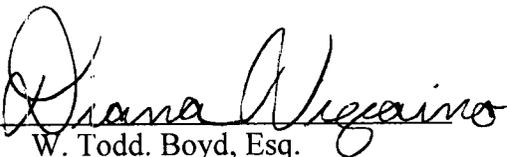
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District of Florida, Tampa Division case number 8:05-CV-517-T-30MSS. The lawsuit between the parties arises out of the use of the term "National Truck Stop Directory". Additionally, TR Information Publishers applied for the mark on March 7, 2005, ten days prior to the filing of the suit in Federal Court; therefore, Randall Publishing Company believes that TR Information Publishers submitted its application in bad faith in an attempt to influence the outcome of its then contemplated lawsuit against Randall Publishing Company. The Board should take no action until such time as the lawsuit is concluded.

- (3) The grant to TR Information Publishers of the exclusive use of the words "National Truck Stop Directory" would prejudice Randall Publishing Company because the term "National" is geographic and necessary to identify the geographical scope of Randall's directory. Additionally, the word "National" is merely a descriptive of the type of directory published by Randall Publishing Company which is a directory of truck stops through the nation. The term is likewise used by others outside of the truck stop directory industry to describe the geographic scope of a publication.
- (4) Randall Publishing Company is opposed to the Board granting TR Information Publishers the mark because the word "National" is a generic term with no secondary meaning in the market of truck stop directories. Likewise, the remaining terms "Truck Stop" and "Directory" are also generic and descriptive of the product and as such, the combination of the terms should not be entitled to protection. Additionally, there is no confusion between the two publications as they currently exist. TR Information Publishers prefaces the title with "The Trucker's Friend" while Randall prefaces its title with "Trucker's News". Both publications contain a directory of truck stops nationwide, thereby requiring the use of the descriptive terms "National Truck Stop Directory" by both parties.

By:



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