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U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Order

In re Registration Nos. 910758 (issued March 30, 1971), 913601 (issued June 8, 1971), 944155 (issued October 3, 1972), 1166686 (issued August 25, 1981), 1230170 (issued March 8, 1983), 1230569 (issued March 8, 1983), 1230570 (issued March 8, 1983), 1806061 (issued November 23, 1993), 1818909 (issued February 1, 1994), 1823393 (issued February 22, 1994), 2059156 (issued May 6, 1997), 2090105 (issued August 19, 1997), 2145671 (issued March 24, 1998), 2442108 (issued April 10, 2001), 2634415 (issued October 15, 2002), 2734047 (issued July 8, 2003).

Big Boy Restaurants International, LLC

The Trademark Trial and Appeal Board has found in Concurrent Use Proceeding No. 94002189 that applicant therein, Frisch's Restaurants, Inc., is entitled to a concurrent use registration of the mark BIG BOY for "Tartar sauce and pies" in International Class 30 and "Restaurant, drive through and carryout services" in International Class 43 for the territory comprising the states of Indiana; Kentucky; Ohio, except for the counties of Cuyahoga, Lorain, Medina, Summit, Portage, Geauga and Lake; and Tennessee, except for the counties of Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Fentress, Grainger, Hamblen,

Hancock, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier and Union.

The registrations of Big Boy Restaurants International, LLC, namely, No. 910758 for the mark BIG BOY (stylized with design); No. 913601 for the mark BIG BOY (in typed form); No. 944155 for the mark BIG BOY (in typed form); No. 1166686 for the mark BIG BOY (stylized with design); No. 1230170 for the mark BOB'S BIG BOY (in typed form); No. 1230569 for the mark BOB'S BIG FOY FAMILY RESTAURANTS (stylized with design); No. 1230570 for the mark BOB'S BIG BOY RESTAURANTS (stylized with design); No. 1806061 for the mark BIG BOY RESTAURANT AND BAKERY (stylized with design); No. 1818909 for miscellaneous design of a Running big boy; No. 1823393 for the mark BIG BOY (in typed form); No. 2059156 for the mark BIG BOY DINER (stylized with design); No. 2090105 for a miscellaneous design of a Running big boy with burger; No. 2145671 for a miscellaneous design of the Original big boy; No. 2442108 for the mark BIG BOY RESTAURANT AND MARKET (stylized with design); No. 2634415 for the mark BIG BOY (stylized with design); and No. 2734047 for the mark BIG BOY ORIGINAL AT THE MOVIES (stylized with design) are restricted to the territory comprising the counties of Cuyahoga, Lorain, Medina, Summit, Portage, Geauga and Lake in the state of Ohio; the counties of Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Fentress, Grainger,

Hamblen, Hancock, Jefferson, Knox, Loudon, Monroe, Morgan,
Roane, Scott, Sevier and Union in the state of Tennessee;
and the remaining United States except for Indiana and
Kentucky.

A handwritten signature in black ink, appearing to read "Lynne G. Beresford". The signature is written in a cursive style with some loops and flourishes.

Lynne G. Beresford
Commissioner for Trademarks

AUG 18 2009