

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

01-30796

AMERICAN MACHINERY MOVERS, INC.,
Plaintiff-Appellant,

v.

MACHINERY MOVERS OF NEW ORLEANS, LLC;
DARRYL BRELAND,
Defendants-Appellees.

Appeal from the United States District Court for the
Eastern District of Louisiana
USDC No. 00-CV-3356

March 14, 2002

Before HIGGINBOTHAM, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appellant, American Machinery Movers, Inc., appeals from an adverse summary judgment dismissing its trademark infringement claim. The infringement claim centers around the use of the name Machinery Movers of New Orleans, LLC, by the appellee, Darryl Breland. We find the appeal

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

wholly without merit. Our review of the summary judgment evidence compels a conclusion that the trade name is descriptive and not suggestive and that appellant's trade name has not acquired secondary meaning. As the appellant's summary judgment evidence falls woefully short of raising a fact issue as to suggestiveness or secondary meaning, the judgment of the district court is **AFFIRMED.**