

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB MARCH 2, 00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **The Stunmuzzle Corporation**

Serial No. 75/260,630

Samuel B. Stone of Lyon & Lyon for The Stunmuzzle Corporation

Janice L. McMorrow, Trademark Examining Attorney, Law Office 104) Sidney Moskowitz, Managing Attorney)

Before Simms, Seeherman and Wendel, Administrative Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

The Stunmuzzle Corporation has appealed from the refusal of the Trademark Examining Attorney to register STUNMUZZLE as a trademark for "dog muzzles to which remote control or interactive devices, namely stun guns, cameras, radios, microphones, or speakers, may be attached."¹ Registration has been refused pursuant to Section 2(e)(1)

Ser. No. 75/260,630

of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive of its identified goods. In particular, the Examining Attorney asserts that STUNMUZZLE describes a purpose of applicant's goods, i.e., it is a muzzle which stuns.

Applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

We affirm the refusal of registration.

A term is merely descriptive if, as applied to the goods or services in question, it describes an ingredient, quality, characteristic, function, feature, composition, purpose, attribute, use, etc. of such goods or services.

In re Engineering Systems Corp., 2 USPQ2d 1075 (TTAB 1986).

The Examining Attorney has submitted dictionary definitions of "muzzle" and "stun,"² as well as the following excerpts taken from the NEXIS data base:

Instead, the inventors propose using the dog as a mobile stun gun. Beneath the dog's muzzle is a leather or plastic pod containing a pair of metal electrodes.

"New Scientist," February 22, 1997

¹ Application Serial No. 75/260,630, filed March 20, 1997, based on an asserted bona fide intention to use the mark in commerce.

² "Stun: to daze or render senseless, as by a blow"; "muzzle: a leather or wire device that, when fitted over an animal's snout, prevents biting and eating." The American Heritage Dictionary of the English Language, new coll. ed. © 1976.

...police dogs could be equipped with
stun gun-style muzzles that would allow
them to zap perps rather than bite
them.

"Newsweek," February 10, 1997

Their device fixes a stun-gun to the
dog's muzzle. When it tries to bite,
the teeth do no damage, but the
stunning shock disables the intruder.

"The Herald," June 7, 1997

"A team of Orange County inventors has
patented a stun-gun muzzle for police
dogs that subdues suspects by zapping
them with electricity."

"The Orange County Register,"

February 13, 1997

Applicant states that the "Orange County Register"
article refers to its own goods. This article, in addition
to calling the product a "stun-gun muzzle," describes it as
a remote-control muzzle. "As a dog closes in on a suspect,
its handler activates the stun gun by remote control. The
dog makes contact with the suspect, who is immobilized..."
The article also explains that the dog is going in for a
bite, but because it cannot bite, it rubs the muzzle on the
perpetrator. The stun gun works by briefly paralyzing
voluntary muscles.

This evidence clearly demonstrates that applicant's
mark, STUNMUZZLE, is descriptive of a feature of
applicant's goods, which applicant has identified as
muzzles to which stun guns may be attached. The muzzle,

with its stun gun attachment, stuns the culprit, and the term STUNMUZZLE, used on the goods, immediately conveys this information, that the muzzle is one that stuns.

Moreover, the articles use terms such as "stun gun-style muzzles" or "stun-gun muzzles" to name the goods. Although the "Orange County Register" article is about applicant's own product, that fact does not benefit applicant. The article clearly uses "stun-gun muzzle" as a descriptive or generic term for what applicant asserts to be its product. Although applicant's mark is STUNMUZZLE rather than "stun-gun muzzle," consumers, viewing this mark in connection with applicant's identified goods, will immediately understand that the muzzles have a stun gun effect. See **Remington Products, Inc. v. North American Philips Corporation**, 892 F.2d 1576, 13 USPQ2d 14444 (Fed. Cir. 1990) (TRAVEL CARE is merely descriptive of travel personal care products).

As for applicant's argument that STUN refers to only one feature of its goods, i.e., the stun gun attachment, we concur with the Examining Attorney's statement that a mark is merely descriptive if it describes a single, significant quality, feature, function, etc. of the goods. See **In re Venture Lending Associates**, 226 USPQ 285 (TTAB 1985). Certainly a significant feature of applicant's muzzle is

Ser. No. 75/260,630

the stun gun attachment, by which a dog can stun its victim. Applicant also argues that "STUNMUZZLE is likely to generate an image in the minds of consumers wherein 'STUN' is an adjective and the mark STUNMUZZLE refers to a stunning-looking muzzle (i.e. a designer muzzle for pets)." brief, p. 4. Again, we concur with the Examining Attorney's response that no reasonable consumer, viewing the mark STUNMUZZLE in connection with a dog muzzle to which stun guns, etc. may be attached, is likely to regard STUNMUZZLE as referring to a fashionable muzzle.

Decision: The refusal of registration is affirmed.

R. L. Simms

E. J. Seeherman

H. R. Wendel
Administrative Trademark Judges
Trademark Trial and Appeal Board