

THIS DISPOSITION IS NOT
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THE TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re SP Systems, LLC

Serial No. 75/932,869

John J. Kim of Lyon & Lyon for SP Systems, LLC.

David H. Stine, Trademark Examining Attorney, Law Office
114 (Margaret Le, Managing Attorney).

Before Hairston, Chapman and Drost, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

SP Systems, LLC has appealed from the final refusal of
the Trademark Examining Attorney to register FARM & HOME as
a trademark for "manually-operated compression sprayers for
dispensing liquids."¹ Registration has been refused

¹ Application Serial No. 75/932,869, filed March 1, 2000, and
asserting first use and first use in commerce in September 1999.

pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the ground that applicant's mark is merely descriptive of the identified goods.

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

We affirm the refusal.

Applicant contends that FARM & HOME is arbitrary as applied to its sprayers because they may be used in countless places other than farms and homes. Further, applicant argues that a consumer viewing FARM & HOME would have to exercise imagination and thought to determine the nature of applicant's goods, and that FARM & HOME is an incongruous term. Applicant urges that any doubts on mere descriptiveness be resolved in its favor.

The Examining Attorney maintains that FARM & HOME is merely descriptive of applicant's sprayers because it immediately conveys information about the intended areas of use for the goods, namely, farms and homes. Further, the Examining Attorney contends that there is nothing vague or incongruous about the combined term FARM & HOME as used in connection with applicant's sprayers.

A term is considered to be merely descriptive of goods, within the meaning of Section 2(e)(1) of the Trademark Act, if it immediately describes an ingredient, quality,

characteristic or feature thereof or if it directly conveys information regarding the nature, function, purpose or use of the goods. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). It is not necessary that a term describe all of the properties or functions of the goods in order for it to be considered merely descriptive thereof; rather, it is sufficient if the term describes a single significant attribute or idea about them. In re Venture Associates, 226 USPQ 285 (TTAB 1985). Moreover, the question of whether a mark is merely descriptive must be determined not in the abstract, that is, not by asking whether one who sees the mark alone can guess what the applicant's goods are, but rather in relation to the goods for which registration is sought, that is, by asking whether, when the mark is applied to the goods, it immediately conveys information about their nature. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

There is no dispute that applicant's manually-operated compression sprayers for dispensing liquids are for farm and home use. As noted above, to be deemed merely descriptive, a term need only describe a single significant quality or characteristic of the goods. See In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987). Although applicant argues that its sprayers may be used in areas

other than farms and homes, it is nonetheless the case that a significant characteristic of the goods is that they are for farm and home use. That these may not be the only areas where applicant's sprayers may be used is immaterial to our analysis under Section 2(e)(1). We find, therefore, that the terms "farm" and "home" are merely descriptive of applicant's manually-operated sprayers for dispensing liquids.

Further, we have no hesitation in finding that the two merely descriptive words which comprise applicant's mark, i.e., FARM and HOME, are likewise merely descriptive when combined. As applicant notes, it is possible that two terms, which separately are merely descriptive, may be combined into a composite term which is not merely descriptive because the combination may result in an incongruous or inventive new composite. This is clearly not such a case. Although applicant contends that the combined term FARM & HOME creates "a unique commercial impression," applicant offers no elaboration as to what that unique commercial impression is. We find that there is nothing unusual or incongruous about combining the words FARM and HOME into the phrase FARM & HOME where the composite is used in connection with sprayers for farm and home use. The result of the combination is simply that

more information about the characteristics of applicant's sprayers is provided than if only one of the descriptive terms were used by itself. See e.g., *In re International Game Technology Inc.*, 1 USPQ2d 1587 (TTAB 1986) ["ON-LINE, ON DEMAND" is merely descriptive for computer lottery terminals which operate on-line and provide tickets on demand].

Finally, we are not persuaded by applicant's argument that consumers viewing applicant's mark would not immediately understand the nature of applicant's goods. This argument suggests that the mark should be viewed in the abstract. However, as noted above, we must consider descriptiveness in relationship to the particular goods for which registration is sought. The relevant purchasers of applicant's manually-operated compression sprayers for dispensing liquids would immediately understand, when the mark FARM & HOME is used in connection therewith, that the sprayers are for farm and home use.

In view of the foregoing, we conclude that FARM & HOME is merely descriptive of applicant's goods. See *In re Central Sprinkler Co.*, 49 USPQ2d 1194 (TTAB 1998) ["ATTIC" is generic for automatic sprinklers for fire protection of attics; alternatively, "ATTIC" is merely descriptive of such goods because it immediately describes a significant

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characteristic thereof, namely that they are for use in attics].

Decision: The refusal to register under Section 2(e)(1) is affirmed.