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**THIS DISPOSITION
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Paper No. 9
CEW

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Stanton Acquisition Corporation

Serial No. 76/032,522

Stewart J. Bellus of Collard & Roe for Stanton
Acquisition Corporation.

Ann L. Linnehan, Trademark Examining Attorney, Law Office
114 (K. Margaret Le, Managing Attorney).

Before Seeherman, Walters and Wendel, Administrative
Trademark Judges.

Opinion by Walters, Administrative Trademark Judge:

Stanton Acquisition Corporation has filed a
trademark application to register the mark ATELIER
CARPETS for "carpets and rugs."¹ The application includes
a disclaimer of CARPETS apart from the mark as a whole.

The Trademark Examining Attorney has issued a final
refusal to register, under Section 2(e)(1) of the

¹ Serial No. 76/032,522, in International Class 27, filed April 24,
2000, based on use of the mark in commerce, alleging first use and use
in commerce as of February 1996.

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Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive of its goods.

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but an oral hearing was not requested. We reverse the refusal to register.

The Examining Attorney contends that ATELIER CARPETS is a combination of descriptive and generic terms; that "atelier" describes that "applicant's carpets and rugs ... are made in whole or in part in a workshop or studio, [or alternatively,] the applicant's goods are designed for use in a workshop or studio." The Examining Attorney submitted definitions of "atelier" as "a room in which an artist works, or a room where things are made or repaired" and "a workshop or studio, especially for an artist or a designer." Additionally, the Examining Attorney submitted several third-party registrations for marks including the disclaimed term "atelier" for various goods, principally clothing and motorcycle parts; and four excerpts of articles from the LEXIS/NEXIS database.² Two of the excerpts refer to "ateliers" of Turkish and French weavers of the Middle Ages; one excerpt refers to

² The record indicates that the Examining Attorney's LEXIS/NEXIS search revealed 27 articles, although only four excerpted articles have been submitted. In the absence of a statement otherwise, we assume that the other articles did not support the Examining Attorney's position.

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the "atelier" of an award-winning modern-day weaver; and one excerpt refers to the Covered Bazaar in Istanbul, with "ateliers" that sell all types of wares, including rugs.

Applicant disagrees that its mark is merely descriptive and asks that any doubt be resolved in its favor.

The test for determining whether a mark is merely descriptive is whether it immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of the product or service in connection with which it is used, or intended to be used. *In re Engineering Systems Corp.*, 2 USPQ2d 1075 (TTAB 1986); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979).

While there is no question the word "carpet" is merely descriptive, if not generic, in connection with the identified goods, we find that the Examining Attorney has not established, by the limited references submitted, that "atelier," or the mark ATELIER CARPETS, is also merely descriptive in connection with carpets and rugs. The most we can conclude from the evidence of record is that ATELIER CARPETS suggests a tradition of hand weaving and craft. Further, to the extent that we have any doubt

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about the descriptive nature of ATELIER CARPETS for carpets and rugs, we resolve that doubt in favor of publication of the mark for opposition.

Decision: The refusal under Section 2(e)(1) of the Act is reversed.