

THIS DECISION IS NOT  
CITABLE AS PRECEDENT  
OF THE TTAB

Paper No. 16

Mailed: November 26, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Manhattan Scientifics, Inc.

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Serial No. 76/039,649

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Request for Reconsideration

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James C. Wray for applicant.

Johanna B. Robinson, Trademark Examining Attorney, Law  
Office 104 (Sidney I. Moskowitz, Managing Attorney).

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Before Cissel, Seeherman and Quinn, Administrative  
Trademark Judges.

Opinion by Quinn, Administrative Trademark Judge:

The Board, in a decision dated October 4, 2002,  
affirmed the refusal to register under Section 2(e)(1) of  
the Trademark Act on the basis that the mark HYDROCYCLE, if  
applied to "operator controlled motor propelled road  
vehicles, namely, hydrogen fueled bicycles," would be  
merely descriptive thereof. The Board considered  
dictionary definitions of "hydro" meaning "hydrogen" and  
"cycle" meaning "bicycle." When the terms "hydro" and

"cycle" are combined, the mark HYDROCYCLE, as a whole, is merely descriptive of hydrogen-fueled bicycles.

Applicant has timely filed a request for reconsideration. In maintaining that the Board committed error in affirming the refusal to register, applicant argues that the Board improperly dissected the mark; that there are no descriptive uses of HYDROCYCLE in the NEXIS excerpts of record; that the term "hydro" has meanings other than "hydrogen"; that the mark is suggestive; and that any doubt on mere descriptiveness must be resolved in applicant's favor.

Applicant's concerns were considered in our original opinion, and nothing raised by applicant on reconsideration compels us to reach a different result. Applicant and others in the field have developed hydrogen-fueled bicycles. The readily recognized meanings of "hydro" and "cycle" include "hydrogen" and "bicycle," respectively, so that the mark HYDROCYCLE merely describes a significant characteristic or feature of applicant's goods, namely that they are bicycles powered by hydrogen fuel. We have no doubts about our determination as to which side of the suggestive/merely descriptive line applicant's proposed mark falls on.

The request for reconsideration is denied, and the decision dated October 4, 2002 stands.