

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB

Mailed: July 8, 2003
Paper No. 22
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re *The Melting Pot Corp.*

Serial No. 75/787,879

Request for Reconsideration

James C. Wray for *The Melting Pot Corp.*

Edward Nelson, Trademark Examining Attorney, Law Office 114
(*K. Margaret Lee*, Managing Attorney).

Before *Simms*, *Hanak* and *Hairston*, Administrative Trademark
Judges.

Opinion by *Hairston*, Administrative Trademark Judge:

On April 21, 2003, applicant filed a request for
reconsideration of the Board's decision issued March 20,
2003 affirming the refusal of registration of PBC POSTAL
BUSINESS CENTER and design for "providing for the rental of
mail boxes, mailing articles and packaging articles for

transportation," in the absence of a disclaimer of the words POSTAL BUSINESS CENTER.

In particular, applicant asserts that the Board "overlooked the only direct evidence" of service mark use of POSTAL BUSINESS CENTER. The NEXIS excerpt on which applicant relies reads as follows:

All are available free at your local post-office or Postal Business Center.

The Board did not overlook this evidence. We specifically noted on page 5, at footnote 1 of our decision:

While in some instances the use of capital letters may indicate that a phrase is being used as a trademark, it is not clear from this excerpt how "Postal Business Center" is being used.

In other words, it was not clear from this limited excerpt that "Postal Business Center" was being used as an apparent source indicator for applicant's services. Even assuming that "Postal Business Center" was being used in such manner, this single excerpt is not controlling on the issue of mere descriptiveness.

We remain convinced that the record in this case demonstrates that POSTAL BUSINESS CENTER is merely descriptive of applicant's services. In view of the

Ser No. 75/787,879

foregoing, applicant's request for reconsideration is denied.