

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB    APRIL 11, 00

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re **American Fiber & Finishing, Inc.**

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Serial No. 75/294,688

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Linda M. Buckley of Dike, Bronstein, Roberts & Cushman for  
applicant.

Jill C. Alt, Trademark Examining Attorney, Law Office 114  
(Margaret Le, Managing Attorney).

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Before Quinn, **Bucher** and McLeod, Administrative Trademark  
Judges.

Opinion by Quinn, Administrative Trademark Judge:

An application has been filed by American Fiber &  
Finishing, Inc. to register the mark SOFTOTS BABY BURPERS  
for "cloths having multiple uses, namely burp cloths, lap  
pads, changing pads, bibs, wash cloths, and baby wipes."<sup>1</sup>

The Trademark Examining Attorney has refused  
registration based on applicant's failure to comply with a

requirement to disclaim the allegedly descriptive words "Baby Burpers" apart from the mark.

When the refusal was made final, applicant appealed. Applicant and the Examining Attorney have submitted briefs. An oral hearing was not requested.

The Board, in a decision dated March 1, 2000 (copy attached), reversed the refusal to register under Section 2(e)(1) in applicant's related co-pending application Serial No. 75/315,876. In that application, applicant sought to register the mark BABY BURPERS for the same goods as those listed herein.

The instant appeal involves the same issue, namely, the mere descriptiveness of "BABY BURPERS" as applied to the goods. Further, the instant appeal involves the same record as that in the other application.

For the reasons stated in the Board's March 1, 2000 decision, we conclude that the term "BABY BURPERS" is only suggestive. Accordingly, a disclaimer is not warranted in this application.

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<sup>1</sup> Application Serial No. 75/294,688, filed May 19, 1997, alleging a bona fide intention to use the mark in commerce.

Decision: The refusal to register is reversed.

T. J. Quinn

D. E. Bucher

L. K. McLeod  
Administrative Trademark  
Judges, Trademark Trial  
and Appeal Board