

ESTTA Tracking number: **ESTTA572962**

Filing date: **11/25/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76713734
Applicant	The Burnett Companies Consolidated, Inc.
Applied for Mark	CHOICE SPECIALISTS
Correspondence Address	GARY L. BUSH Andrews Kurth LLP 600 TRAVIS ST STE 4200 HOUSTON, TX 77002-2929 UNITED STATES pat-tmk@andrewskurth.com
Submission	Appeal Brief
Attachments	BUS018_Appeal Brief.pdf(376633 bytes)
Filer's Name	John P. Courtney
Filer's e-mail	pat-tmk@andrewskurth.com
Signature	/John P. Courtney/
Date	11/25/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of:	§
The Burnett Companies Consolidated, Inc.	§
Serial No. 76713734	§
Trademark: CHOICE SPECIALISTS	§
Filing Date: March 19, 2013	§

APPLICANT'S APPEAL BRIEF

Applicant respectfully submits its Appeal Brief and requests that the Trademark Trial and Appeal Board reverse the September 5, 2013, final decision by the Examiner to refuse to register Applicant's mark CHOICE SPECIALISTS (the "Mark"), Serial No. 76713734, on the Principal Register.

STATEMENT OF ISSUE FOR REVIEW

Is Applicant's trademark, CHOICE SPECIALISTS, merely descriptive of "personnel placement services" under Section 2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1)?

TABLE OF AUTHORITIES

CASES	PAGE(S)
<i>Abercrombie & Fitch Co. v. Hunting World, Inc.</i> , 537 F.2d 4 (2d Cir. 1976)	5
<i>Anheuser-Busch Inc. v. Holt</i> , 92 U.S.P.Q.2d 1101 (TTAB 2009)	9
<i>California Cooler, Inc. v. Loretto Winery, Ltdl, et al.</i> , 227 U.S.P.Q. 808, 774 F.2d 1451 (9th Cir. 1985)	7
<i>Coca-Cola Co. v. Seven-Up Co.</i> , 497 F.2d 1351 (C.C.P.A. 1974)	7
<i>In re Abcor Dev. Corp.</i> , 588 F.2d 811, 200 USPQ 215 (C.C.P.A. 1978)	5
<i>In re Application of Aid Labs, Inc.</i> , 221 U.S.P.Q. 1214, 1216 (T.T.A.B. 1983).....	12
<i>In re Entenmann’s Inc.</i> , 15 U.S.P.Q.2d 1750 (T.T.A.B. 1990)	12
<i>In re Gourmet Bakers, Inc.</i> , 173 U.S.P.Q. 565 (T.T.A.B.1972).....	12
<i>In re The Gracious Lady Service, Inc.</i> , 175 U.S.P.Q. 380 (T.T.A.B. 1972).....	12
<i>In re Gyulay</i> , 820 F.2d 1216 (Fed. Cir. 1987)	6
<i>In re Merrill Lynch, Pierce, Fenner, & Smith, Inc.</i> , 828 F.2d 1567 (Fed. Cir. 1987)	12
<i>In re Nett Designs</i> , 236 F.3d 1339, 57 U.S.P.Q.2d 1564 (Fed. Cir. 2001)	6, 11
<i>In re Quik-Print Copy Shops, Inc.</i> , 616 F.2d 523, 205 U.S.P.Q. (BNA) 505 (C.C.P.A. 1980)	6

In re Shutts,
217 USPQ 363 (TTAB 1983).....6

In re Tennis in the Round, Inc.,
199 USPQ 496 (TTAB 1978).....6

In re Universal Water Systems, Inc.,
209 USPQ 165 (TTAB 1980).....6

Union Carbide Corp. v. Ever-Ready Inc.,
531 F.2d 366, 188 U.S.P.Q. 623 (7th Cir. 1976), superseded on other grounds9

Vision Center v. Opticks, Inc.,
596 F.2d 111 (5th Cir. 1979), *cert. denied*, 444 U.S. 1016 (1980).....5

STATUTES

Section 2(e) of the Trademark Act, 15 U.S.C. §1052(e) 4, 5

OTHER AUTHORITIES

AMERICAN HERITAGE DICTIONARY 327 (2000)8

2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11.68 at
11-150 (4th ed. 2008).....9

2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11.69 at
11-152 (4th ed. 2008).....9

T.M.E.P. §1209.01(a) (5th ed. 2007)6

T.M.E.P. §1209.03(e) (5th ed. 2007)6

BACKGROUND AND PROCEDURAL HISTORY

On March 19, 2013, The Burnett Companies Consolidated, Inc. (“Applicant”) filed an application to register the mark CHOICE SPECIALISTS in Class 35 for “personnel placement services.” The Examiner refused registration under Section 2(e) of the Trademark Act, 15 U.S.C. §1052(e), contending that the Mark is “laudatory and merely describes the quality of the services and the experience of the professionals who can be placed by the agency.” The Examiner issued a final refusal based on Section 2(e) on September 25, 2013. Applicant filed a notice of appeal on September 27, 2013.

SUMMARY OF ARGUMENT

A mark is merely descriptive and not registrable only if it *merely or only* conveys knowledge of the ingredients, qualities, or characteristics of the goods or services with which it is used. Marks that are unmistakably and entirely laudatory and which attribute quality or excellence to goods or services are, when taken alone, generally viewed as merely descriptive and thus not registrable. A mark is registrable as suggestive and *not merely* descriptive if, when taken in context, imagination, thought or perception is required to reach a clear conclusion as to the nature of the goods or services. A suggestive mark does not have to be devoid of all meaning in relation to the goods or services to be entitled to registration. Applicant’s mark, CHOICE SPECIALISTS, requires consumers to apply imagination, thought or perception before they could reach a conclusion as to the true nature of Applicant’s services, and, accordingly, CHOICE SPECIALISTS is not merely descriptive. Applicant’s mark, at

worst, straddles the cusp between being suggestive and merely descriptive, and a proper balancing of the doubts favors approval of Applicant's mark.

ARGUMENT

I. THE DESCRIPTIVENESS STANDARD

A mark will be refused registration if it is merely descriptive when used on or in connection with the good or services sold by an applicant. Lanham Act Section 2(e), 15. U.S.C. § 1052(e). The major reasons for not protecting such marks are to prevent the owner of a mark from inhibiting competition in the sale of particular goods and to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978).

Marks fall into one of five classifications: (1) generic; (2) descriptive; (3) suggestive; (4) arbitrary; or (5) fanciful. *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976). "Although these categories are meant to be mutually exclusive, they are spectrum-like and tend to merge imperceptibly from one to another." *Vision Center v. Opticks, Inc.*, 596 F.2d 111, 115 (5th Cir. 1979), *cert. denied*, 444 U.S. 1016 (1980). Due to the sometimes subtle differences between classifications, they are "frequently difficult to define and quite frequently difficult to apply." *VisionCenter*, 596 F.2d at 115.

It is settled that “[w]hether a given mark is suggestive or merely descriptive depends on whether the mark ‘*immediately conveys . . . knowledge of the ingredients, qualities, or characteristics of the goods . . . with which it is used*’, or whether ‘*imagination, thought, or perception is required to reach a conclusion on the nature of the goods.*’” *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987); *In re Quik-Print Copy Shops, Inc.*, 616 F.2d 523, 525, 205 U.S.P.Q. (BNA) 505, 507 (C.C.P.A. 1980). The commercial impression cannot be a time consuming, tenuous, or pensive connection -- it must be immediate.

If imagination, thought or perception is required to reach a conclusion on the nature of the goods or services, the mark is suggestive and registrable. *See In re Nett Designs*, 236 F.3d 1339, 57 U.S.P.Q.2d 1564 (Fed. Cir. 2001); *In re Gyulay, supra*; *In re Tennis in the Round, Inc.*, 199 USPQ 496, 498 (TTAB 1978)(“if one must exercise mature thought or follow a multi-stage reasoning process in order to determine what product or service characteristics the term indicates, the term is suggestive rather than merely descriptive.”; *In re Shutts*, 217 USPQ 363, 364-365 (TTAB 1983) (SNO-RAKE not merely descriptive for snow removal hand tool); *In re Universal Water Systems, Inc.*, 209 USPQ 165, 166 (TTAB 1980). Further, “a designation does not have to be devoid of all meaning in relation to the goods and services to be registrable.” T.M.E.P. § 1209.01(a) (5th ed. 2007).

II. THE EXAMINER IMPROPERLY DISSECTED THE MARK AND FOCUSED ON ONLY ONE OF SEVERAL MEANINGS

In focusing on the constituent parts of the term CHOICE SPECIALISTS, the Examiner misapplied the descriptiveness test. Marks must be viewed and examined in their entireties as the public will encounter them. Examining a mark piecemeal by dissecting it into its component parts and then considering each part in detail is improper. *Coca-Cola Co. v. Seven-Up Co.*, 497 F.2d 1351 (C.C.P.A. 1974) (“We have said, so often as not to require citation of authority, that marks must be viewed as the public sees them, i.e., in their entireties.”); *California Cooler, Inc. v. Loretto Winery, Ltdl, et al.*, 227 U.S.P.Q. 808, 774 F.2d 1451 at 1455 (9th Cir. 1985)(a composite term may become a distinguishing mark even though its components individually cannot).

The Examiner’s own reasoning shows that the mark does not immediately convey information about the service. The Examiner stated that: “As an adjective, CHOICE means, ‘the best’ or ‘of high quality.’ Thus the term CHOICE is describing the quality of the specialists who the services place.” The Examiner’s finding of laudatory descriptiveness means that Applicant places “great specialists” with those customers who use Applicant’s personnel placement services. That interpretation, based on nothing more than the Examiner’s assumption, only describes the hypothetical type of employee a customer may ultimately hire and *not the services offered by Applicant*. Such an attenuated interpretation is not warranted under Section 2(e), which requires that the mark *merely and immediately* convey information about Applicant’s *services* - not a hypothetical person who may be placed by Applicant’s services.

Moreover, the word “choice” has several meanings, either as a noun or adjective.

Depending on the circumstances, “choice” as a noun can mean¹:

1. The act of choosing; selection.
2. The power, right, or liberty to choose; option.
3. One that is chosen.
4. A number or variety from which to choose: *a wide choice of styles and colors.*
5. The best or most preferable part.
6. Care in choosing.
7. An alternative.

As an adjective, “choice” may mean:

- 1a. Of very fine quality
- 1b. Appealing to refined taste.
2. Selected with care.
3. Of the U.S. Government grade of meat higher than good and lower than prime.

Even though the word “choice” has multiple meanings, several of which could apply in this case, the Examiner focused solely on the definition relating to quality and not to other definition pertaining to “decision.” Thus, it is equally true that the mark could mean “decision specialists” - where the mark identifies the provider of the service but not in laudatory terms, as opposed to “quality specialist.” Of course, the mark could equally also refer to “the person chosen specialists” or even a specialist seller of “choice” cuts of meat or many other goods or services. The fact that the meaning of the

¹ The *American Heritage Dictionary* 327 (2000) (copy attached). The term “specialist” also has several meanings: one who is devoted to a particular occupation or branch of study or research, a physician whose practice is limited to a particular branch of medicine or surgery, especially one who is certified by a board of physicians, any of several noncommissioned ranks in the US Army that correspond to that of corporal through sergeant first class, a species with narrow habitat or food requirements.

mark is immediately subject to multiple, equally valid interpretations is evidence that the mark cannot be categorized as “merely descriptive.” Where, as here, a mark is comprised of words that could have multiple meanings equally applicable to the goods or services, the mark is not merely descriptive. *Anheuser-Busch Inc. v. Holt*, 92 U.S.P.Q.2d 1101 (TTAB 2009)(noting that where words in a mark have multiple meanings, a consumer encountering such mark must by definition apply some degree of thought, imagination or a multistage reasoning process).

Contrary to the Examiner’s conclusion, the term CHOICE SPECIALISTS does *not* have a *primary* significance that is descriptive in relation to its services, therefore the term is not merely descriptive. T.M.E.P. § 1209.03(e).

III. COMPETITORS DO NOT NEED THE MARK

Another test of descriptive-suggestive connotations is to determine the extent to which other sellers will need to use Applicant’s mark to identify their own products. 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11.69 at 11-152 (4th ed. 2008). “The imagination test enquiry naturally leads into the competitors’ need test: “The more imagination that is required to associate a mark with the product, the less likely the words used will be needed by competitors to describe their products.” 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11.68 at 11-150 (4th ed. 2008) quoting *Union Carbide Corp. v. Ever-Ready, Inc.*, 188 U.S.P.Q. 623, 531 F.2d 366, (7th Cir. 1976).

Where the suggestion made by the mark is so remote and subtle that it is really not likely to be needed by competitive sellers to describe their goods, the mark is

merely suggestive, not descriptive. Here, there is nothing inherently valuable in the words CHOICE SPECIALISTS for other providers of personnel placement services, and such competitors have no need to use Applicant's mark at all in order to describe their services. Indeed, Applicant is aware of no competitors who use or would ever have reason to use the mark CHOICE SPECIALISTS in a descriptive sense to merely describe personnel placement services.

IV. PAST DETERMINATIONS FAVOR REGISTRATION

Numerous situations analogous to the present one demonstrate unequivocally that it is inappropriate for the PTO to refuse registration of Applicant's mark, CHOICE SPECIALISTS, on the grounds that the mark as a whole is merely descriptive of personnel placement services.

While Applicant recognizes that third party registrations are not determinative of descriptiveness, the Principal Register is nevertheless replete with registrations using the term "choice" in the creation of suggestive, source identifying marks. These marks, which are a mere sampling of the large number of "choice" marks on the Principal Register, could be deemed equally or even more "descriptive" than Applicant's mark, yet they have been registered. *See, e.g.*, CHOICE PROPERTY RESOURCES for business consultation provided to owners and managers of multi-family residences (Reg. No. 4153976); FIRST CHOICE URGENT CARE for medical clinics (Reg. No. 3530368); HYGIENIST CHOICE for dental products (Reg. No. 2984516); RIGHT CHOICE for business consultation services (Reg. No. 3568134); CHOICE LEGAL for legal services (Reg. No. 4161177); TOWER'S CHOICE for towing products (Reg. No. 4433853);

NATURES CHOICE for live shrubs and trees (Reg. No. 4422491); CHOICE CHECKING for financial services (Reg. No. 4232646); RUNNER'S CHOICE for socks (Reg. No. 4393373); SINGER'S CHOICE for online retail store for musical equipment (Reg. No. 4408354); SELECT CHOICE for administration of health plans (Reg. No. 4309125); EXPERT CHOICE for computer programs (Reg. No. 1298583); PROFESSIONAL CHOICE for business services (Reg. No. 3720029).

As these examples show, the Trademark Office has routinely allowed dozens of marks containing the word "choice" to proceed to registration even when coupled with overtly generic or descriptive additional elements. Applicant strongly suggests that its "choice" mark is at least as suggestive, and thus registrable, as the aforementioned registered "choice" marks.

V. ALL DOUBT SHOULD BE RESOLVED IN FAVOR OF APPLICANT

The Court of Appeals for the Federal Circuit has observed:

In the complex world of etymology, connotation, syntax, and meaning, a term may possess elements of suggestiveness and descriptiveness at the same time. No clean boundaries separate these legal categories. Rather, a term may slide along the continuum between suggestiveness and descriptiveness depending on usage, context, and other factors that affect the relevant public's perception of the term.

In re Nett Designs, Inc., 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001).²

² The court in *Nett Designs* upheld a finding of descriptiveness for a portion of a design mark for bike racks that included the phrase THE ULTIMATE BIKE RACK. The Court, however, noted that even that mark did have some suggestive qualities. Applicant notes that its CHOICE SPECIALISTS mark is far less descriptive than the mark at issue in the *Nett-Designs* case.

Where the border between finding a mark merely descriptive or suggestive is ambiguous, the doubt should be resolved in the Applicant's favor. After all, "any person who believes that he would be damaged by the registration will have an opportunity . . . to oppose the registration of the mark and to present evidence, . . ." *In re Gourmet Bakers, Inc.*, 173 U.S.P.Q. 565, 565 (T.T.A.B.1972). See also *In re Merrill Lynch, Pierce, Fenner, & Smith, Inc.*, 828 F.2d 1567, 1571 (Fed. Cir. 1987) (the Board should "balance the evidence of public understanding of the mark against the degree of descriptiveness encumbering the mark, and to resolve reasonable doubt in favor of the applicant, in accordance with practice and precedent."); *In re Application of Aid Labs, Inc.*, 221 U.S.P.Q. 1215, 1216 (T.T.A.B. 1983) ("Where there is doubt on the matter, the doubt should be resolved in applicant's behalf and the mark should be published . . . for purposes of opposition."); *In re The Gracious Lady Service, Inc.*, 175 U.S.P.Q. 380, 382 (T.T.A.B. 1972) ("It is recognized that there is a large gray area in determining the descriptiveness of a mark, and where reasonable men may differ, it has been the practice to resolve such doubt in an applicant's behalf and publish the mark for opposition purposes . . ."); *In re Entenmann's Inc.*, 15 U.S.P.Q.2d 1750, 1751 n.2 (T.T.A.B. 1990) (affirming decision under Section 2(e)(1) but recognizing "that in ex parte cases involving a refusal to register on the basis of mere descriptiveness, it is the practice of this Board to resolve doubts in the favor of the applicant and pass the mark to publication").

The mark at issue, CHOICE SPECIALISTS, is suggestive without being specific or immediately telling consumers anything with a degree of particularity. The information, if any, given by the mark is indirect and vague. The thought process beginning with the mark CHOICE SPECIALISTS and leading to a characteristic or feature of personnel placement services is neither immediate nor direct. The degree of descriptiveness encumbering Applicant's mark CHOICE SPECIALISTS is slight when compared to its function as a unique source identifier. Ultimately, any ambiguity should be resolved in Applicant's favor.

CONCLUSION

For the reasons set forth above, Applicant respectfully requests that the Examiner's refusal to register based upon Section 2(e) of the Trademark Act be reversed.

Respectfully submitted,

ANDREWS KURTH LLP
Attorneys for Applicant

November 25, 2013

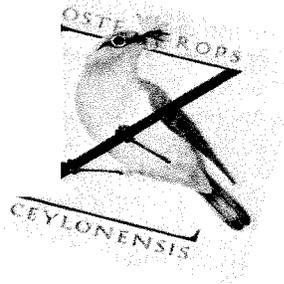
By:


John P. Courtney
600 Travis, Suite 4200
Houston, Texas 77002
Direct Dial: 713.220.4078
Facsimile: 713.238.7162
jcourtney@andrewskurth.com

ANDREWS & KURTH LLP
LIBRARY
Houston

The
**American
Heritage[®] Dictionary**
of the English Language

FOURTH EDITION



HOUGHTON MIFFLIN COMPANY
Boston New York

Words are included in this Dictionary on the basis of their usage. Words that are known to have current trademark registrations are shown with an initial capital and are also identified as trademarks. No investigation has been made of common-law trademark rights in any word, because such investigation is impracticable. The inclusion of any word in this Dictionary is not, however, an expression of the Publisher's opinion as to whether or not it is subject to proprietary rights. Indeed, no definition in this Dictionary is to be regarded as affecting the validity of any trademark.

American Heritage® and the eagle logo are registered trademarks of Forbes Inc. Their use is pursuant to a license agreement with Forbes Inc.

Copyright © 2000 Houghton Mifflin Company. All rights reserved.

No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without the prior written permission of Houghton Mifflin Company unless such copying is expressly permitted by federal copyright law. Address inquiries to Reference Permissions, Houghton Mifflin Company, 222 Berkeley Street, Boston, MA 02116.

Visit our Web site: www.hmco.com/trade.

Library of Congress Cataloging-in-Publication Data

The American Heritage dictionary of the English language.—4th ed.

p. cm.

ISBN 0-395-82517-2 (hardcover) — ISBN 0-618-08230-1
(hardcover with CD ROM)

1. English language—Dictionaries

PE1628 .A623 2000

423—dc21

00-025369

Manufactured in the United States of America

chlo·ren·chy·ma (klā-rēng'kə-mə) *n.* Plant tissue consisting of parenchyma cells that contain chloroplasts. [CHLOR(OPHYLL) + -ENCHYMA.]

chlo·ric (klōr'ik, klōr'ē) *adj.* Of, relating to, or containing chlorine.

chloric acid *n.* A strongly oxidizing unstable acid, HClO₃·7H₂O.

chloride (klōr'id', klōr'ē) *n.* A binary compound of chlorine.

chloridic (klā-rīd'ik) *adj.*

chloride of lime *n.* See **bleaching powder**.

chlorinate (klōr'ā-nāt', klōr'ē) *tr.v.* -nat'ed, -nat'ing, -nates

To treat or combine with chlorine or a chlorine compound. —**chlorination** *n.* —**chlorinator** *n.*

chlorinated lime (klōr'ā-nā'tīd, klōr'ē) *n.* See **bleaching powder**.

chlorine (klōr'ēn', -in, klōr'ē) *n.* Symbol **Cl** A highly irritating, greenish-yellow gaseous halogen, capable of combining with nearly all other elements, produced principally by electrolysis of sodium chloride and used widely to purify water, as a disinfectant and bleaching agent, and in the manufacture of many important compounds including chloroform and carbon tetrachloride. Atomic number 17; atomic weight 35.453; freezing point -100.98°C; boiling point -34.6°C; specific gravity 1.56 (-33.6°C); valence 1, 3, 5, 7. See table at **element**.

chlorinity (klōr-in'itē, klōr-ē) *n.* A measure of the amount of chlorine or other halides in water, especially seawater.

chlorite (klōr'it', klōr'ē) *n.* A generally green or black secondary mineral, (Mg,Fe,Al)₆(Si,Al)₄O₁₀(OH)₈, often formed by metamorphic alteration of primary dark rock minerals, that appears as a spot of green and resembles mica. [Latin *chlōritis*, a green precious stone, from Greek *chlōritis*, from *chlōros*, green. See **ghel-** in Appendix I.] —**chloritic** (klōr-it'ik, klōr-ē) *adj.*

chlorite (klōr'it', klōr'ē) *n.* The inorganic group ClO₂ or a salt containing it.

chloro- or **chlor-** *pref.* 1. Green: *chlorosis*. 2. Chlorine: *chloroform*. [From Greek *chlōros*, green. See **ghel-** in Appendix I.]

chlorobenzene (klōr'ō-bēn'zēn', -bēn'zēn', klōr'ē) *n.* A colorless, volatile flammable liquid, C₆H₅Cl, used to prepare phenol, DDT, and aniline and as a general solvent.

chlorocarbon (klōr'ō-kār'bən, klōr'ē) *n.* A compound that consists of chlorine and halocarbon.

chlorofluorocarbon (klōr'ō-flōōr'ō-kār'bən, -flōr'ē, -flōr'ē, klōr'ē) *n.* *Abbr.* **CFC** Any of various halocarbon compounds consisting of carbon, hydrogen, chlorine, and fluorine, once used widely as aerosol propellants and refrigerants. Chlorofluorocarbons are believed to cause depletion of the atmospheric ozone layer.

chloroform (klōr'ā-fōrm', klōr'ē) *n.* A clear, colorless, heavy, sweet-smelling liquid, CHCl₃, used in refrigerants, propellants, and resins, as a solvent, and sometimes as an anesthetic. Chloroform, once widely used in human and veterinary surgery, has generally been replaced by less toxic, more easily controlled agents. —**tr.v.** -form'ed, -form'ing, -forms 1. To treat with chloroform to anesthetize, render unconscious, or kill. 2. To apply chloroform to. [CHLORO- + FORM(YL).]

chlorohydrin (klōr'ō-hī'drīn, klōr'ē) *n.* An aliphatic organic chemical compound that is both an alkyl chloride and an alcohol, frequently containing a single chlorine atom and a single hydroxyl group on adjacent carbon atoms.

Chloromyces tin (klōr'ō-mī-sēt'n, klōr'ē) A trademark used for a preparation of chloramphenicol.

chlorophyll also **chlorophyl** (klōr'ā-fīl, klōr'ē) *n.* Any of a group of green pigments that are found in the chloroplasts of plants and in other photosynthetic organisms such as cyanobacteria, especially:

a. A waxy blue-black green-plant pigment, C₃₅H₇₂MgN₄O₅, with a characteristic blue-green alcohol solution. Also called *chlorophyll a*.

b. A similar green-plant pigment, C₃₅H₇₀MgN₄O₆, having a brilliant green alcohol solution. Also called *chlorophyll b*. —**chlorophyllous** *adj.*

chloropicrin (klōr'ā-pīk'rīn, klōr'ē) *n.* An oily colorless liquid, CCl₃NO₂, that causes skin, lung, and mucous membrane irritation and is used in tear gas and in dyestuffs, disinfectants, insecticides, and soil fumigants. Also called *nitrochloroform*. [CHLORO- + PICR(O)- + -IN.]

chloroplast (klōr'ā-plāst', klōr'ē) also **chloroplastid** (klōr'ā-plāst'id, klōr'ē) *n.* A chlorophyll-containing plastid found in algal and green plant cells. [CHLORO- + PLAST(ID).] —**chloroplastic** (-plāst'ik) *adj.*

chloroprene (klōr'ā-prēn', klōr'ē) *n.* A colorless liquid, C₄H₅Cl, that polymerizes to neoprene. [CHLORO- + (ISO)PRENE.]

chloroquine (klōr'ā-kwīn', -kwēn', klōr'ē) *n.* A drug, C₁₁H₁₆ClN₃, used mainly in the treatment and prevention of malaria. [CHLORO- + QUIN(OLIN)E.]

chlorosis (klā-rō'sis) *n.* 1. *Botany* The yellowing or whitening of normally green plant tissue because of a decreased amount of chlorophyll, often as a result of disease or nutrient deficiency. 2. *Pathology* An iron-deficiency anemia, primarily of young women, characterized by a greenish-yellow discoloration of the skin. Also called *greensickness*. —**chlorotic** (-rōt'ik) *adj.* —**chlorotically** *adv.*

chlorothal·nil (klōr'ā-thāl'ē-nīl', klōr'ē) *n.* A colorless crystalline compound, C₈Cl₄N₂, used as a fungicide on a variety of vegetable crops, peanuts, lawns, and turfs and as a preservative in paints and adhesives. [CHLORO- + (PH)THAL(IC) + N(ITR)IL(E).]

chlorothiazide (klōr'ā-thī'ā-zīd', klōr'ē) *n.* A thiazide diuretic used in the treatment of hypertension, heart failure, and edema to promote the excretion of excess salt and water from the body.

chlorpromazine (klōr-prōm'ā-zēn', -prōm'ā-, klōr-ē) *n.* A

drug, C₁₇H₁₉ClN₂S, derived from phenothiazine and used to suppress vomiting and as a sedative and a tranquilizer, especially in the treatment of schizophrenia and other psychotic states. [CHLOR(O)- + PRO(PHYL) + M(ETHYL) + AZINE.]

chlorotetracycline (klōr'tēt-rā-sī'klēn', -klīn, klōr'ē) *n.* A broad-spectrum antibiotic, C₂₂H₂₃ClN₇O₆, obtained from the soil bacterium *Streptomyces aureofaciens* and used in the treatment of a variety of infections.

chm. *abbr.* 1. chairman 2. checkmate

chmn. *abbr.* chairman

cho·an·o·cyte (kō-ān'ō-sīt') *n.* One of a layer of flagellated cells lining the body cavity of a sponge and characterized by a collar of cytoplasm surrounding the flagellum. Also called *collar cell*. [Greek *khoanē*, funnel (from *khein*, to pour; see **gheu-** in Appendix I) + -CYTE.]

Choate (chōt), **Rufus** 1799–1859. American politician who served as a U.S. representative (1831–1834) and senator (1841–1845) from Massachusetts. His son **Joseph Hodges Choate** (1832–1917) was ambassador to Great Britain (1899–1905).

chock (chōk) *n.* 1. A block or wedge placed under something else, such as a wheel, to keep it from moving. 2. *Nautical* A heavy fitting of metal or wood with two jaws curving inward, through which a rope or cable may be run. —**tr.v.** **choked**, **chock·ing**, **chocks** 1. To fit with or secure by a chock: *The plane's wheels were choked and chained down.* 2. *Nautical* To place (a boat) on chocks. —**adv.** As close as possible: *had to stand chock up against the railing.* [Possibly from Old North French *choque*, log, from Gaulish **tsukka*, stump, of Germanic origin.]

chock-a-block or **chock·a·block** (chōk'ā-blōk') *adj.* 1. Squeezed together; jammed: *The cheering fans were chock-a-block in the stands.* 2. Completely filled; stuffed: *"I recommend the north shore chowder, chock-ablock with pieces of seasonal fish"* (Charles Monaghan). 3. *Nautical* Drawn so close as to have the blocks touching. Used of a ship's hoisting tackle. —**adv.** *Chock: a hall that was chock-a-block full.* [Alteration (influenced by **CHOCK**) of *block-a-block*: **BLOCK** + **A** + **BLOCK**.]

chock-full or **chock·full** (chōk'fōōl') *adj.* Full to the limit; as full as possible: *a report chock-full of errors.*

choc·o·hol·ic (chōk'ā-hō'lik, -hōl'ik, chōk'ē) *n.* A person who craves chocolate. [**CHOC**(OLATE) + (**ALC**)**OHOLIC**.]

choc·o·late (chō'kō-līt, chōk'lit, chōk'ē) *n.* 1. Fermented, roasted, shelled, and ground cacao seeds, often combined with a sweetener or flavoring agent. 2. A beverage made by mixing water or milk with chocolate. 3. A small, chocolate-covered candy with a hard or soft center. 4. A grayish to deep reddish brown to deep grayish brown. —**adj.** 1. Made or flavored with chocolate: *chocolate pudding.* 2. Of a grayish to deep reddish brown to deep grayish brown. [Spanish, from Nahuatl *xocolatl*: *xococ*, bitter + *atl*, water.] —**choc·o·lat·y**, **choc·o·lat·ey** (-lī-tē) *adj.*

chocolate tree *n.* See **cacao** (sense 1).

choc·o·la·tier (chō'kō-lī-tīr', chōk'li-tīr', chōk'ē) *n.* 1. One who makes or sells chocolate. 2. A place where chocolate is made or sold. [French, from *chocolat*, chocolate, from Spanish *chocolate*. See **CHOCOLATE**.]

Choctaw (chōk'tō) *n., pl. Choctaw* or **-taws** 1a. A Native American people formerly inhabiting central and southern Mississippi and southwest Alabama, with present-day populations in Mississippi and southeast Oklahoma. The Choctaw were removed to Indian Territory in the 1830s. b. A member of this people. 2. The Muskogean language of the Choctaw. [Choctaw *Chahta*.]

Choctaw·hatch·ee (chōk'tā-hāch'ē) A river rising in southern Alabama and flowing about 225 km (140 mi) south into northwest Florida, where it empties into **Choctawhatchee Bay**, an inlet of the Gulf of Mexico.

choice (chois) *n.* 1. The act of choosing; selection. 2. The power, right, or liberty to choose; option. 3. One that is chosen. 4. A number or variety from which to choose: *a wide choice of styles and colors.* 5. The best or most preferable part. 6. Care in choosing. 7. An alternative. —**adj.** **choic·er**, **choic·est** 1a. Of very fine quality. b. Appealing to refined taste. 2. Selected with care. 3. Of the U.S. Government grade of meat higher than good and lower than prime. —**idiom: of choice** Preferred above others of the same kind or set: *"the much used leveraged buyout as the weapon of choice"* (Alison Leigh Cowan). [Middle English *chois*, from Old French, from *choisir*, to choose, from Vulgar Latin **causire*, of Germanic origin. See **geus-** in Appendix I.] —**choice'ly** *adv.* —**choice'ness** *n.*

Synonyms *choice, alternative, option, preference, selection, election* These nouns denote the act, power, or right of choosing. *Choice* implies broadly the freedom to choose from a set: *The store offers a wide choice of vegetables. I had no choice in the matter.* *Alternative* emphasizes choice between only two possibilities or courses of action: *"An unhappy alternative is before you, Elizabeth. . . . Your mother will never see you again if you do not marry Mr. Collins, and I will never see you again if you do"* (Jane Austen). *Option* often stresses a power or liberty to choose that has been granted: *The legislature outlined several tax options.* *Preference* indicates choice based on one's values, bias, or predilections: *We were offered our preference of wines.* *Selection* suggests a variety of things or persons to choose from: *The video store had a wide selection of foreign films.* *Election* especially emphasizes the use of judgment: *The university recommends the election of courses in literature.* See also synonyms at **delicate**.

choir (kwīr) *n.* 1. An organized company of singers, especially one performing church music or singing in a church. 2a. The part of a church used by such a company of singers. b. The part of the chancel in a cruciform church that is occupied by this company of singers. 3a. A

ā pat	oi boy
ā pay	ou out
ār care	ōō took
ā father	ōō boot
ē pet	ū cut
ē be	ūr urge
i pit	th thin
i pie	th this
ir pier	hw which
ō pot	zh vision
ō toe	ə about, item
ō paw	♦ regionalism

Stress marks: / (primary); ' (secondary), as in dictionary (dīk'shə-nēr'ē)