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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 79123938 **MARK:** SNEEZING BABY PANDA	
CORRESPONDENT ADDRESS: WILLIAM J SEITER SEITER LEGAL STUDIO 2500 BROADWAY BLDG F SUITE F-125 SANTA MONICA, CA 90404	**GENERAL TRADEMARK INFORMATION:** http://www.uspto.gov/trademarks/index.jsp **TTAB INFORMATION:** http://www.uspto.gov/trademarks/process/appeal/index.jsp
APPLICANT: Wild Candy Pty Ltd	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A **CORRESPONDENT E-MAIL ADDRESS:** williamjseiter@seiterlegalstudio.com	

EXAMINING ATTORNEY'S APPEAL BRIEF

INTERNATIONAL REGISTRATION NO. 1144816

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wild Candy Pty Ltd	BEFORE THE
Trademark:	SNEEZING BABY PANDA	TRADEMARK TRIAL
Serial No.:	79123938	AND
Attorney:	William J. Seiter, Esq.	APPEAL BOARD

Address: Seiter Legal Studio ON APPEAL

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Santa Monica, CA 90404

EXAMINING ATTORNEY'S APPEAL BRIEF

Applicant has appealed the examining attorney's final refusal to register the trademark SNEEZING BABY PANDA for use with "digital media, namely, pre-recorded CDs, DVDs, video cassettes, digital video discs, digital versatile discs and high definition digital discs featuring audio and visual content in the nature of exposed cinematograph films, theatrical performances and music" and "electronic games, namely, electronic game software, electronic game programs and downloadable electronic games via the Internet and wireless devices" in International Class 9, "paper, cardboard, and goods made from these materials, not included in other classes, namely, printed posters", "photographs", "stationery", "printed instructional and teaching material except apparatus in the field of animals, nature and the environment", "books, namely, children's books, comic books, coloring books, series of fiction books, series of non-fiction books in the field of animals, nature and the environment and educational books and coffee table books featuring animals, nature and the environment", "brochures about animals, nature and the environment", "publications, namely, magazines, hand-outs and workbooks in the field of animals, nature and the environment", "printed event programs and souvenir programs concerning animals, nature and the environment" and "face and facial tissues of paper" in International Class 16, "mugs", "beverage glassware", "porcelain and earthenware not included in other classes, namely, sculptures, statues and works of art", "containers for household and kitchen use" and "hair combs" in International Class 21, "clothing, namely, t-shirts, sweat shirts and jackets", "footwear" and "headgear, namely, hats and caps" in International Class 25, "games and playthings, namely, plush dolls, stuffed toy animals and board games", "toys, namely, electronic learning toys, infant toys and hand-held units for playing electronic games for use with external display screen or monitor" and "gymnastic and sporting articles not included in

other classes, namely, gymnastic apparatus, balls for sports and protective supports for shoulders and elbows" in International Class 28, "promotion of theatrical performances, concerts, cinematograph films and musical works for others" in International Class 35 and "production of cinematograph films, television programs and documentary films", "entertainment, namely, live music concerts and orchestra performances", "electronic publication services, namely, digital video, audio, and multimedia publishing services regarding cinematograph films, theatrical performances and music", "electronic publication of text and graphic works of others on CD, DVD and on-line featuring animals, nature and the environment" and "entertainment services, namely, theatrical and musical floor shows provided at performance venues" in International Class 41.

The examining attorney refused registration on the grounds that the mark SNEEZING BABY PANDA is merely descriptive of the identified goods and services under Section 2(e)(1) of the Trademark Act, 15 U.S.C. Section 1052(e). In addition, the examining attorney refused registration on the grounds that Applicant failed to comply with the outstanding requirements to submit information about the identified goods and services and disclose the meaning of the applied-for mark under 37 C.F.R. §2.61(b).

FACTS

On September 13, 2012, Applicant applied to register the mark SNEEZING BABY PANDA for various goods and services in International Classes 3, 5, 9, 16, 21, 25, 28, 30, 35 and 41.[1]

In the Office Action dated January 30, 2013, the examining attorney refused registration under Trademark Act Section 2(e)(1) based on the descriptive nature of the applied-for mark in relation to the identified goods and services in International Classes 9, 16, 25, 35 and 41 and required Applicant to provide information about the identified goods and services and disclose the meaning of the mark pursuant to 37 C.F.R. §2.61(b). The examining attorney made the refusal to register final in the Office Action dated May 31, 2013.[2]

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[1] Applicant subsequently amended the description of goods and services in its response filed May 1, 2013, which was accepted by the examining attorney in the Office Action mailed May 31, 2013.

[2] Based on new information in Applicant's Request for Reconsideration filed October 11, 2013, the examining attorney also refused registration under Trademark Act Section 2(e)(1) in relation to the goods in International

Applicant filed an appeal on October 12, 2013[3], and the case was forwarded to the examining attorney on November 5, 2014, for submission of his brief.

ARGUMENT

I. THE PROPOSED MARK MERELY DESCRIBES APPLICANT'S GOODS AND SERVICES

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods and services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

The examining attorney must consider whether a mark is merely descriptive in relation to the identified goods and services, not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987). Applicant's mark SNEEZING BABY PANDA merely describes pre-recorded CDs and DVDs and other media, printed matter, beverage ware, sculptures, statues and works of art, household and kitchen containers, clothing, games and playthings, promotional services, entertainment services and publishing services featuring images and/or information about an extremely young black-and-white mammal caught in the act of making a sudden violent spasmodic audible expiration of breath through the nose and mouth and games, playthings and toys taking the form/shape of the same.

As noted by the dictionary definitions attached to the examining attorney's Office Action dated January 30, 2013, the words "Sneezing", "Baby" and "Panda" mean "to make a sudden violent spasmodic audible expiration of breath through the nose and mouth especially as a reflex act", "an extremely young animal" and "a large black-and-white mammal (Ailuropoda melanoleuca) of chiefly central China that feeds primarily on bamboo shoots and is now usually classified with the bears (family Ursidae) — called also giant panda". Applicant does not dispute these meanings.

Moreover, as noted by Applicant's response filed October 11, 2013, "[t]he [parties] agree that SNEEZING BABY PANDA refers to one unique *baby panda* at one point in time, the panda cub who let loose with his famous *sneeze* memorialized in [Applicant's] Film Footage." [Emphasis added]. This notion is

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Classes 21 and 28 in the Office Action mailed November 14, 2013. The examining attorney made the refusal to register final and maintained the requirements under 37 C.F.R. §2.61(b) to provide information about the goods and services and disclose the nature of the mark in the Office Action issued May 21, 2014.

[3] Applicant's appeal was amended to include International Classes 21 and 28 as noted by the letter from the Trademark Trial and Appeal Board mailed on October 28, 2014.

corroborated by the evidence of record littered with references to a “sneezing baby panda”, including Applicant’s promotional materials submitted with the response filed April 15, 2014.

Applicant’s primary argument against the stated refusal is based on the theory that “the subject matter content of some of [its] goods or services *may or may not* include pandas” and “the goods or services *may or may not* involve pandas” as set forth on pages fifteen and seventeen in its brief and reiterated in the responses filed October 11, 2013 and April 15, 2014.

However, “[a] mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods or services.” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

Furthermore, contrary to Applicant’s comment on page fourteen in its brief that “[t]he bulk of [its] goods and services . . . have nothing to do with pandas”, a mark does not need to be merely descriptive of all the goods or services specified in an application. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Franklin Cnty. Historical Soc'y*, 104 USPQ2d 1085, 1089 (TTAB 2012). “A descriptiveness refusal is proper ‘if the mark is descriptive of any of the [goods or] services for which registration is sought.’” *In re The Chamber of Commerce of the U.S.*, 675 F.3d at 1300, 102 USPQ2d at 1219 (quoting *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005)).

In this case, the mark SNEEZING BABY PANDA describes at last one aspect of Applicant’s goods and services; namely, entertainment films and programs about a sneezing baby panda, promotional activities related thereto and collateral merchandise in the form of pre-recorded CDs and DVDs and other media, printed products including books and posters, beverage ware, sculptures, statues and other household items, clothing, toys, games and playthings featuring images and/or information about a sneezing baby panda.

What’s more, the description of goods and services is broad enough to incorporate various products and services relating to a baby sneezing panda. In this regard, Applicant indicated on page fifteen in its brief that “the goods and services of Applicant may be anchored in the movie as well as the film footage” and

that some of the goods and services derive from the film footage. This explanation has been well-documented throughout the prosecution of the present application beginning with the response filed May 1, 2013 whereby Applicant stated the following:

> "Several years ago Applicant was filming in the Wolong Panda Breeding Centre in China's Sichuan province. A female panda was munching a piece of bamboo bread, oblivious of the fact her six week old son was hungry too. Clearly frustrated as well as starving, the tiny *panda cub* suddenly let loose with his now infamous *sneeze*. *The moment was recorded on film (the "Film Footage")* and "Sneezing Baby Panda" was born."

[Emphasis added]. One example of goods deriving from such film footage is a "t-shirt featuring a freeze frame from the original video clip" of "[t]hat sneezing moment which sent mother panda into orbit!" shown on the Internet printout from Applicant's website attached to the initial refusal. Material obtained from applicant's website is acceptable as competent evidence. *In re N.V. Organon*, 79 USPQ2d 1639, 1642-43 (TTAB 2006); *In re Promo Ink*, 78 USPQ2d 1301, 1302-03 (TTAB 2006); TBMP §1208.03; TMEP §710.01(b).

Use of images from films, movies, television shows and characters and/or scenes contained therein is commonplace in the entertainment industry. As noted by the Office Action mailed May 21, 2014 and evidence attached thereto, entertainment companies/movie studios such as 20th Century Fox®, Disney®, DreamWorks®, Nickelodeon®, Paramount Pictures®, Universal Studios® and Warner Bros® commonly promote movies and movie characters by placing images and/or film scenes on collateral products like game software, printed products including books and posters, beverage glasses, sculptures, statues and other household items, clothing, toys, games and playthings.

Therefore, inasmuch as Applicant concedes on page eighteen in its brief that "the term 'SNEEZING BABY PANDA' may be regarded as descriptive of the film footage or movie", all merchandise emanating therefrom featuring images and/or information about a sneezing baby panda is descriptive.

Regarding the subject matter of the identified films, television programs and related entertainment products and services, a mark that describes the subject matter of a television program or similar entertainment program is merely descriptive of the program. *In re Conus Commc'ns Co.*, 23 USPQ2d 1717 (TTAB 1992) (holding ALL NEWS CHANNEL generic for a television channel broadcasting all news);

In re Weather Channel, Inc., 229 USPQ 854 (TTAB 1986) (holding WEATHER CHANNEL merely descriptive of television program); TMEP §1209.01(b).

Similarly, with regard to identified publications, a term that describes the subject matter of a publication is merely descriptive under Trademark Act Section 2(e)(1). *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 228 USPQ 528 (Fed.Cir. 1986); *In re Taylor & Francis [Publishers] Inc.*, 55 USPQ2d 1213 (TTAB 2000) (holding PSYCHOLOGY PRESS merely descriptive of books in the field of psychology); *In re Waverly Inc.*, 27 USPQ2d 1620 (TTAB 1993) (holding MEDICINE merely descriptive of a journal).

In this regard, Applicant posits on pages fifteen and seventeen in its brief that the stated refusal is unwarranted because the identified goods and services "*may* also have to do with other species of animals, nature and the environment" and "will feature *animals generally*, nature and the environment." [Emphasis added]. Initially, the examining attorney notes that these comments imply that some of Applicant's goods and services will feature information and/or images about pandas and a sneezing baby panda.

In response to Applicant's contention that the goods and services may feature information about "nature", the Board is urged to take judicial notice of the attached definition of the word "Nature" as meaning "the physical world and everything in it (such as plants, *animals*, mountains, oceans, stars, etc.) that is not made by people" and/or "the way that a person or *animal* behaves: the character or personality of a person or *animal*", labeled as Exhibit A.[4] [Emphasis added]. Merriam-Webster Online, search of "nature," http://www.merriam-webster.com/dictionary/nature (Dec. 31, 2014). A printout of similar definitions from *The New Oxford American Dictionary*, Second Edition (2005) is also attached for the Board's review labeled as Exhibit B. TBMP Section 704.12. Therefore, inasmuch as the word "Nature" incorporates the physical world and everything in it such as a sneezing baby panda and behaviors, characteristics and personalities relating thereto, the refusal must be maintained.

[4] The Board may take judicial notice of dictionary definitions. *Univ. of Notre Dame du Lac v. J. C. Gourmet Food Imps. Co., Inc.*, 213 UQPQ 594 (TTAB 1982), *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983).

Applicant further contends on pages nineteen and twenty in its brief that the stated refusal should be withdrawn because the wording SNEEZING BABY PANDA "is an incongruous expression" and "creates ambiguity."

However, if the individual components of a mark retain their descriptive meaning in relation to the goods and services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Phoseon Tech., Inc.*, 103 USPQ2d 1822, 1823 (TTAB 2012); *In re Associated Theatre Clubs Co.*, 9 USPQ2d 1660, 1663 (TTAB 1988) (holding GROUP SALES BOX OFFICE merely descriptive of theater ticket sales services, because such wording "is nothing more than a combination of the two common descriptive terms most applicable to applicant's services which in combination achieve no different status but remain a common descriptive compound expression"); TMEP §1209.03(d).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and services is the combined mark registrable. *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of Applicant's goods and services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services.

Applicant also argues on pages nineteen and twenty in its brief that the proposed mark is not merely descriptive because "[t]he mark does not convey any immediate and unambiguous meaning." Therefore, according to applicant, consumers "would have to engage in a multi-stage reasoning process . . . to understand how it related to [its] goods."

However, as previously noted, the determination of whether a mark is merely descriptive is made in relation to Applicant's goods and services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012).

"Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). [Emphasis added].

Rather, the question is "whether someone who knows what the goods and[/or] services are will understand the mark to convey information about them." *DuoProSS Meditech Corp. v. Inviro Med.*

Devices, Ltd., 695 F.3d at 1254, 103 USPQ2d at 1757 (quoting *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)); *In re Franklin Cnty. Historical Soc'y*, 104 USPQ2d at 1087.

Therefore, inasmuch as consumers may not perceive the nature of the applied-for mark when blindfolded, they will undoubtedly recognize the descriptive nature of the proposed mark when they encounter the wording SNEEZING BABY PANDA with pre-recorded CDs and DVDs and other media, printed matter, beverage ware, sculptures, statues and works of art, household and kitchen containers, clothing, games and playthings, promotional services, entertainment services and publishing services featuring images and/or information about a sneezing baby panda and games, playthings and toys taking the form/shape of the same.

Finally, Applicant argues on page twenty in its brief that any doubt regarding the mark's descriptiveness should be resolved on applicant's behalf. *In re Merrill Lynch, Pierce, Fenner & Smith, Inc*., 828 F.2d 1567, 1571 4 USPQ2d 1141, 1144 (Fed. Cir. 1987); *In re Grand Forest Holdings, Inc*., 78 USPQ2d 1152, 1156 (TTAB 2006). However, in the present case, the evidence of record leaves no doubt that the mark is merely descriptive.

II. APPLICANT'S REPONSES TO REQUIREMENT FOR INFORMATION ABOUT GOODS AND SERVICES UNDER 37 C.F.R. §2.61(b) ARE DEFICIENT

As noted in the initial refusal and maintained throughout the prosecution history of the application, applicant was required to submit additional information about the goods and services to permit proper examination of the application. 37 C.F.R. §2.61(b); *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004); TMEP §814.

Specifically, Applicant was required to submit fact sheets, instruction manuals, brochures and samples of advertisements or promotional materials for the identified goods and services and a photograph of the identified goods.

Applicant was also advised of the following: If such materials are unavailable, it should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. Factual information about the goods must make clear how they operate, salient features, and prospective customers and channels of trade. For the services, the factual information must make clear

what the services are and how they are rendered, salient features, and prospective customers and channels of trade. Conclusory statements will not satisfy this requirement for information.

Finally, Applicant was apprised that failure to respond to a request for information is an additional ground for refusing registration. *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003).

As noted on pages four through six in Applicant's brief, Applicant initially responded to the examining attorney's request by (1) providing background information regarding film footage of a sneezing baby panda, (2) discussing its use of the mark on t-shirts and intention of using the mark on various merchandise and (3) arguing that the applied-for mark "is capable of distinguishing [its] goods and services from the goods and services of competitors."

Applicant further noted on pages six through eight in its brief subsequent efforts made to comply with the examining attorney's request by (1) arguing that the request "merely parrots boilerplate office action verbiage appropriate to a use-based application under Section 1(a), but inappropriate to examination of an application based on bona fide intent to use in U.S. commerce, e.g., under Sections 1(b) or 66(a)", (2) submitting third-party webpages "corroborating and attesting to the fame of [its] film footage" and (3) explaining its licensing and marketing efforts regarding a film and television series and collateral merchandise.

As noted by the examining attorney during the prosecution of the present application, applicant's responses have not satisfied the outstanding requirement. In particular, Applicant's sole use of the mark on t-shirts was already known and made of record by attachments to the initial refusal. Moreover, Applicant's blanket assertion regarding its general plans to use the mark on a range of products did not satisfy the requirement for factual information about the goods and services.

In addition, Applicant's remark that the examining attorney's request "merely parrots boilerplate office action verbiage appropriate to a use-based application under Section 1(a), but inappropriate [in the present case]" was unhelpful and not a good faith attempt to advance prosecution. In this regard, Applicant correctly acknowledges on page nine in its brief that "the application under examination is . . . founded on [its] bona fide intent to use the mark in U.S. commerce".

As noted by the examining attorney's Office Action issued November 14, 2013, Applicant overlooked the following language specifically designated for this application based on Applicant's bona fide intention to use the mark in commerce:

> "*If these materials are unavailable*, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and services feature new technology and *no information regarding competing goods and services is available*, applicant must provide a detailed factual description of the goods and services."

[Emphasis added]. Insofar as Applicant never produced fact sheets, instruction manuals, brochures and samples of advertisements or promotional materials for the goods and services, a photograph of the goods *or similar documentation* for goods and services of the same type, explaining how its own product or services will differ, the outstanding requirement remains unsatisfied. [Emphasis added].

What's more, most of the third-party webpages "corroborating and attesting to the fame of [its] film footage" do not contain any new information regarding the nature of the goods and services. For example, the printouts on pages two through twelve attached to Applicant's response filed October 11, 2013 merely show one reference to a video clip about a "sneezing panda" while pages twenty-four through twenty-nine show one comment regarding the popularity of the same "sneezing baby panda" video clip.

In addition, the printouts on pages thirteen through twenty-three are highly similar to the Internet printouts from Applicant's website attached to the initial refusal showing a video clip of a sneezing baby panda and do not shed any new light on the nature of the goods and services.

Based on the foregoing remarks, Applicant failed to comply with the requirement to produce information about the identified goods and services under 37 C.F.R. §2.61(b).

III. APPLICANT'S REPONSES TO REQUIREMENT TO DISCLOSE MEANING OF MARK UNDER 37 C.F.R. §2.61(b) ARE INSUFFICIENT

The initial refusal and subsequent Actions clearly set forth Applicant's requirement to respond to certain questions. In particular, Applicant was required to answer the following questions:

1. Do any of the goods feature images and/or information of a sneezing baby panda?
2. Do any of the goods feature images and/or information of a panda?
3. Do any of the goods take the form/shape of a sneezing baby panda?
4. Do any of the goods take the form/shape of a panda?
5. Are any of the identified goods intended for use with a panda?

Similar to the requirement for product and service information, Applicant was advised that failure to respond to this request for information can be grounds for refusing registration. *In re DTI P'ship LLP*, 67 USPQ2d at 1701; TMEP §814.

Applicant's responses of May 1, 2013 and October 11, 2013 merely indicated that the identified goods "do not necessarily have to do with pandas" and "[t]he goods may or may not do so."

Therefore, inasmuch as Applicant's elusive responses were not made in good faith to advance prosecution and did not directly answer the "yes/no" questions raised by the examining attorney that were reasonably necessary for proper examination of the application, registration should be refused because Applicant failed to comply with the requirement to disclose the meaning of the mark under 37 C.F.R. §2.61(b).

CONCLUSION

For the reasons set forth above, the refusal to register under Section 2(e)(1) of the Trademark Act should be affirmed.

In addition, the refusal to register under 37 C.F.R. §2.61(b) for failing to submit information about the identified goods and services and disclose the meaning of the applied-for mark should be affirmed.

Respectfully submitted,

/David Yontef/

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rather than experiment, and presented in popular rather than academic form. ■ the study of the whole natural world, including mineralogy and paleontology. **2** *Medicine* the usual course of development of a disease or condition, esp. in the absence of treatment: *the natural history of cancerous tumors.* **—nat-u-ral his-to-ri-an** *n.*

nat-u-ral-ism /ˈnaCHərəˌlizəm/ ▸*n.* **1** (in art and literature) a style and theory of representation based on the accurate depiction of detail.

The name "Naturalism" was given to a 19th-century artistic and literary movement, influenced by contemporary ideas of science and society, that rejected the idealization of experience and adopted an objective and often uncompromisingly realistic approach to art. Notable figures include the novelist Zola and the painter Théodore Rousseau.

2 a philosophical viewpoint according to which everything arises from natural properties and causes, and supernatural or spiritual explanations are excluded or discounted. [translating French *naturalisme.*] ■ (in moral philosophy) the theory that ethical statements can be derived from nonethical ones. ■ another term for **NATURAL RELIGION.**

nat-u-ral-ist /ˈnaCHərəlist/ ▸*n.* **1** an expert in or student of natural history. **2** a person who practices naturalism in art or literature. ■ a person who adopts philosophical naturalism.

▸*adj.* another term for **NATURALISTIC.**

nat-u-ral-is-tic /ˌnaCHərəˈlistik/ ▸*adj.* **1** derived from real life or nature, or imitating it very closely: *verbatim records of children's speech in naturalistic settings.* **2** based on the theory of naturalism in art or literature: *naturalistic paintings of the city.* ■ of or according to the philosophy of naturalism: *phenomena once considered supernatural have yielded to naturalistic explanation.* **—nat-u-ral-is-ti-cal-ly** *adv.*

nat-u-ral-ize /ˈnaCHərəˌliz/ ▸*v.* [*trans.*] **1** (often **be/become naturalized**) admit (a foreigner) to the citizenship of a country: *he was born in a foreign country and had never been naturalized* | [as *adj.*] (**naturalized**) *a naturalized U.S. citizen born in Germany.* ■ [*intrans.*] (of a foreigner) be admitted to the citizenship of a country: *the opportunity to naturalize as American.* ■ alter (an adopted foreign word) so that it conforms more closely to the phonology or orthography of the adopting language: *the* stoccafisso *of Liguria was naturalized in Nice as* stocoficada. **2** [usu. as *adj.*] (**naturalized**) *Biology* establish (a plant or animal) so that it lives wild in a region where it is not indigenous: *native and naturalized species* | *black mustard has become naturalized in America.* ■ establish (a cultivated plant) in a natural situation: *this species of crocus* **naturalizes itself** *very easily.* ■ [*intrans.*] (of a cultivated plant) become established in a natural situation: *these perennials should be planted where they can naturalize.* **3** regard as or cause to appear natural: *although women do more child care than men, feminists should beware of naturalizing that fact.* ■ explain (a phenomenon) in a naturalistic way. ▷mid 16th cent.: from French *naturaliser,* from Old French *natural* (see **NATURAL**). **—nat-u-ral-i-za-tion** /ˌnaCHərəliˈzāSHən/ *n.*

nat-u-ral kill-er cell ▸*n. Medicine* a lymphocyte able to bind to certain tumor cells and virus-infected cells without the stimulation of antigens, and kill them by the insertion of granules containing perforin.

nat-u-ral lan-guage ▸*n.* a language that has developed naturally in use (as contrasted with an artificial language or computer code).

nat-u-ral law ▸*n.* **1** a body of unchanging moral principles regarded as a basis for all human conduct. **2** an observable law relating to natural phenomena: *the natural laws of perspective.* ■ such laws collectively.

nat-u-ral life ▸*n.* the expected span of a person's life or a thing's existence under normal circumstances: *a man sentenced to spend the rest of his natural life in prison.*

nat-u-ral log-a-rithm (abbr.: **ln** or $\log_e$) ▸*n. Mathematics* a logarithm to the base *e* (2.71828 . . .).

nat-u-ral-ly /ˈnaCHərəlē/ ▸*adv.* **1** in a natural manner, in particular: ■ in a normal manner; without distortion or exaggeration: *act naturally.* ■ as a natural result: *one leads naturally into the other.* ■ without special help or intervention: *naturally curly hair.* **2** [*sentence adverb*] as may be expected; of course: *naturally, I hoped for the best.*

nat-u-ral mag-ic ▸*n.* (in the Middle Ages) magic practiced for beneficial purposes, involving the making of images, healing, and the use of herbs.

nat-u-ral num-bers ▸*plural n.* the positive integers (whole numbers) 1, 2, 3, etc., and sometimes zero as well.

nat-u-ral phi-los-o-phy ▸*n. archaic* natural science, esp. physical science. **—nat-u-ral phi-los-o-pher** *n.*

nat-u-ral re-li-gion ▸*n.* religion, esp. deism, based on reason rather than divine revelation.

nat-u-ral re-sources ▸*plural n.* materials or substances such as minerals, forests, water, and fertile land that occur in nature and can be used for economic gain.

nat-u-ral sci-ence ▸*n.* (usu. **natural sciences**) a branch of science that deals with the physical world, e.g., physics, chemistry, geology, and biology. ■ the branch of knowledge that deals with the study of the physical world. **—nat-u-ral sci-en-tist** *n.*

nat-u-ral se-lec-tion ▸*n. Biology* the process whereby organisms better adapted to their environment tend to survive and produce more offspring. The theory of its action was first fully expounded by Charles Darwin and is now believed to be the main process that brings about evolution. Compare with **SURVIVAL OF THE FITTEST** (see **SURVIVAL**).

nat-u-ral the-ol-o-gy ▸*n.* theology or knowledge of God based on observed facts and experience apart from divine revelation.

nat-u-ral vir-tue ▸*n.* any of the traditional chief moral virtues, esp. the cardinal virtues.

na-ture /ˈnāCHər/ ▸*n.* **1** the phenomena of the physical world collectively, including plants, animals, the landscape, and other features and products of the earth, as opposed to humans or human creations: *the breathtaking beauty of nature.* ■ the physical force regarded as causing and regulating these phenomena: *it is impossible to change the laws of nature.* See also **MOTHER NATURE.** ■ the countryside, esp. when picturesque. ■ *archaic* a living thing's vital functions or needs. **2** [in *sing.*] the basic or inherent features of something, esp. when seen as characteristic of it: *helping them to realize the nature of their problems* | *there are a lot of other documents of that nature.* ■ the innate or essential qualities or character of a person or animal: *it's not in her nature to listen to advice* | *I'm not violent* **by nature.** See also **HUMAN NATURE.** ■ inborn or hereditary characteristics as an influence on or determinant of personality. Often contrasted with **NURTURE.** ■ [with *adj.*] *archaic* a person of a specified character: *Emerson was so much more luminous a nature.* ▷Middle English (denoting the physical power of a person): from Old French, from Latin *natura* 'birth, nature, quality,' from *nat-* 'born,' from the verb *nasci.*

▸*PHRASES* □ **against nature** unnatural or immoral. □ **someone's better nature** the good side of a person's character; their capacity for tolerance, generosity, or sympathy: *Charlotte planned to appeal to his better nature.* □ **call of nature** used euphemistically to refer to a need to urinate or defecate. □ **from nature** (in art) using natural scenes or objects as models: *I wanted to paint landscape directly from nature.* □ **get** (or **go**) **back to nature** return to the type of life (regarded as being more in tune with nature) that existed before the development of complex industrial societies. □ **in the nature of** similar in type to or having the characteristics of: *the promise was in the nature of a check that bounced.* □ **in the nature of things** **1** inevitable: *it is in the nature of things that the majority of music prizes get set up for performers rather than composers.* **2** inevitably: *in the nature of things, old people spend much more time indoors.* □ **in a state of nature** **1** in an uncivilized or uncultivated state. **2** totally naked. **3** *Christian Theology* in a morally unregenerate condition, unredeemed by divine grace. □ **the nature of the beast** *informal* the inherent or essential quality or character of something, which cannot be changed.

na-tured /ˈnāCHərd/ ▸*adj.* [in *combination*] having a nature or disposition of a specified kind: *a good-natured man.*

na-ture print-ing ▸*n.* a method of producing a print of a natural object (such as a leaf) or a textile (such as lace) by making an impression of it directly onto a soft metal printing plate under great pressure and then taking an inked impression on paper.

na-ture re-serve (also **nature preserve**) ▸*n.* a tract of land managed so as to preserve its flora, fauna, and physical features.

na-ture stud-y ▸*n.* the practical study of plants, animals, and natural phenomena, esp. as a school subject.

na-ture trail ▸*n.* a path through a forest or countryside designed to draw attention to natural features.

na-tur-ism /ˈnāCHəˌrizəm/ ▸*n.* **1** the practice of wearing no clothes in a vacation camp or for other leisure activities; nudism. **2** the worship of nature or natural objects. **—na-tur-ist** *n. & adj.*

na-tur-op-a-thy /ˌnāCHəˈräpəTHē; ˌna-/ ▸*n.* a system of alternative medicine based on the theory that diseases can be successfully treated or prevented without the use of drugs, by techniques such as control of diet, exercise, and massage. **—na-tur-o-path** /ˈnāCHərəˌpaTH; ˈna-/ *n.* **—na-tur-o-path-ic** /ˌnāCHərəˈpaTHik; ˌna-/ *adj.*

Nau-cal-pan de Jua-rez /nouˈkälpän dā ˈhwäres/ an industrial city in central Mexico, northwest of Mexico City; pop. 773,000.

Nau-ga-hyde /ˈnôgəˌhīd/ ▸*n. trademark* an artificial material designed to resemble leather, made from fabric coated with rubber or vinyl resin. ▷mid 20th cent.: from *Nauga(tuck),* the name of a town in Connecticut, where rubber is manufactured, + *-hyde* (alteration of **HIDE**[2]).

Nau-ga-tuck /ˈnôgəˌtək/ an industrial borough in southwestern Connecticut, on the Naugatuck River next to Waterbury; pop. 30,625.

naught /nôt/ ▸*n.* the digit 0; zero.

▸*pron. archaic* nothing: *he's naught but a worthless fool.* ▷Old English *nāwiht,* -*wuht,* from *nā* 'no' + *wiht* 'thing' (see **WIGHT**).

▸*PHRASES* □ **bring to naught** *archaic* ruin; foil. □ **come to naught** be ruined or foiled. □ **set at naught** *archaic* disregard; despise.

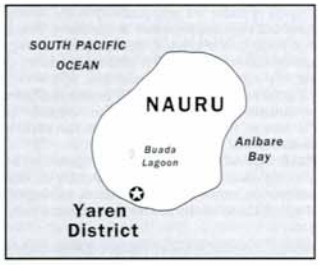
naugh-ty /ˈnôtē/ ▸*adj.* (**-ti-er, -ti-est**) **1** (esp. of children) disobedient; badly behaved: *you've been a really naughty boy.* **2** *informal* mildly rude or indecent, typically because related to sex: *naughty drawings* | *naughty goings-on.* **3** *archaic* wicked. ▷late Middle English: from **NAUGHT** + **-Y**[1]. The earliest recorded sense was 'possessing nothing'; the sense 'wicked' also dates from late Middle English, and gave rise to the current senses. **—naugh-ti-ly** /-təlē/ *adv.* **—naugh-ti-ness** *n.*

naugh-ty bits ▸*plural n. Brit., informal, humorous* the parts of a person's body connected with sexual activity or attraction, esp. the genitals.

nau-pli-us /ˈnôplēəs/ ▸*n.* (*pl.* **-pli-i** /-plēˌī/) *Zoology* the first larval stage of many crustaceans, having an unsegmented body and a single eye. ▷mid 19th cent.: from Latin, denoting a kind of shellfish, or from the Greek name *Nauplios,* the son of Poseidon.

Na-u-ru /näˈōōrōō/ an island country in the southwestern Pacific Ocean, near the equator; pop. 12,800; no official capital but government is in Yaren District; official languages, Nauruan (an Austronesian language) and English. **—Na-u-ru-an** /-rōōwən/ *adj. & n.*

Since 1968 it has been an independent republic with a limited form of membership of the Commonwealth of Nations. The world's smallest independent republic, Nauru joined the UN in 1999. It has the world's richest deposits of phosphates.



nau-se-a /ˈnôzēə; -zHə/ ▸*n.* a feeling of sickness with an inclination to vomit. ■ loathing; revulsion: *intended to induce a feeling of nostalgia, it only induces in me a feeling of nausea.* ▷late Middle English: via Latin from Greek *nausia,* from *naus* 'ship.'

nau-se-ate /ˈnôzēˌāt; - zHēˌāt/ ▸*v.* [*trans.*] make (someone) feel sick; affect with nausea: *the thought of food nauseated her* | [as *adj.*] (**nauseating**) *the stench became nauseating.* ■ fill (someone) with revulsion; disgust: *I was nauseated by the vicious comment.* ▷mid 17th cent.: from Latin *nauseat-* 'made to feel sick,' from the verb *nauseare,* from *nausea* (see **NAUSEA**). **—nau-se-at-ing-ly** *adv.*

USAGE A distinction has traditionally been drawn between **nauseated,** meaning 'affected with nausea,' and **nauseous,** meaning 'causing nausea.'