

**This Opinion is Not a  
Precedent of the TTAB**

Mailed: October 10, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re J.W. Pepper & Son, Inc.*  
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Serial No. 85707925  
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Timothy D. Pecsénye and Matthew A. Homyk of Blank Rome LLP,  
for J.W. Pepper & Son, Inc.

Heather D. Thompson, Trademark Examining Attorney, Law Office 109,  
Dan Vavonese, Managing Attorney.

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Before Taylor, Mermelstein and Wellington,  
Administrative Trademark Judges.

Opinion by Taylor, Administrative Trademark Judge:

J.W. Pepper & Son, Inc. (“Applicant”) appealed the final refusal of the Trademark Examining Attorney to register the mark MY SCORE for “on-line retail store services featuring printed or digital sheet music in International Class 35. The refusal was based on a final requirement that Applicant disclaim the exclusive right to use the word “SCORE” because it is merely descriptive of a feature of Applicant’s services.

In a decision issued September 26, 2014, the Board affirmed the disclaimer requirement. The Board indicated in the decision that it would be set aside if

Applicant submitted an appropriate disclaimer of SCORE within thirty days of the decision.

On October 9, 2014, Applicant timely filed the required disclaimer. In view thereof, the Board's decision of September 26, 2014 is set aside. The involved application Serial No. 85707925, now with the disclaimer of SCORE, will be forwarded to the Publication and Issue Section of the Office for publication of the mark for possible opposition.