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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 86492323

MARK: ZENEK



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GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

TTAB INFORMATION:

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>

APPLICANT: HUONG HAI SCIENCE AND TECHNOLOGY INC

CORRESPONDENT'S REFERENCE/DOCKET NO:

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EXAMINING ATTORNEY'S APPEAL BRIEF

INTRODUCTION

Applicant, Huong Hai Science and Technology Inc. ("applicant"), has appealed the trademark examining attorney's final refusal to register the trademark ZENEK, in standard character form, on the ground that it is confusingly similar to U.S. Registration No. 4503699 for the mark ZENEC, also in standard character form. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

FACTS

On December 30, 2014 applicant filed an application to register the mark ZENEK in standard character form for use in connection with “cell phones; computers; PC tablets; wearable digital electronic devices comprised primarily of software and display screens for the use of smart phone capabilities and also featuring a wristwatch; wireless indoor and outdoor speakers” in International Class 009. The application was based on use of the mark in commerce with the identified goods under Trademark Act Section 1(a). *See, TICRS, Incoming, 12/30/2014, pages 1–4.*

Upon initial review of the application the examining attorney refused registration on April 8, 2015 under Section 2(d) because of a likelihood of confusion with the mark ZENEK in U.S. Registration 4503699 used in connection with “apparatus for recording, transmitting and reproducing sound or images; radios, amplifiers, equalizers, loudspeakers, television apparatus, touchscreen monitors, liquid crystal display monitors, video monitors, video cameras, CD and DVD playing apparatus, all the aforesaid apparatus are also intended for mounting on vehicles; parts for all the above products” in International Class 009. *See, TICRS, Outgoing, 04/08/2015, pages 1–5.* On May 14, 2015 applicant submitted a response to office action arguing that the refusal under Section 2(d) should be withdrawn. *See, TICRS, Incoming, 05/14/2015, pages 1–10.*

After review of applicant’s arguments, the examining attorney made the refusal to register under Section 2(d) final in an office action dated June 9, 2015 while attaching evidence related to the sophistication of consumers of electronics. *See, TICRS, Outgoing, 06/09/2015, pages 1–7.* On September 4, 2015, applicant amended its identification to limit its goods, (*see, TICRS, Incoming, 09/04/2015*) and on October 8, 2015 the examining attorney denied applicant’s request for reconsideration. *See, TICRS, Outgoing, 10/08/2015, pages 1–30.* The examining attorney then attached

evidence demonstrating that the same entity commonly produces the same goods as applicant and registrant to be used with the same mark. *Id.* Subsequently, the present appeal ensued and the application was reassigned to the undersigned examining attorney.

ISSUE

The sole issue on appeal is whether the applied-for mark ZENEK in standard character form for “cell phones; computers; PC tablets; wearable digital electronic devices comprised primarily of software and display screens for the use of smart phone capabilities and also featuring a wristwatch; wireless indoor and outdoor speakers” in International Class 009 is likely to be confused with U.S. Reg. No. 4503699 for the mark ZENEC in standard character form for “apparatus for recording, transmitting and reproducing sound or images; radios, amplifiers, equalizers, loudspeakers, television apparatus, touchscreen monitors, liquid crystal display monitors, video monitors, video cameras, CD and DVD playing apparatus, all the aforesaid apparatus are also intended for mounting on vehicles; parts for all the above products” in International Class 009.

ARGUMENTS

REFUSAL TO REGISTER BECAUSE OF LIKELIHOOD OF CONFUSION SHOULD BE AFFIRMED

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of

likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of the goods. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

A. The Marks Are Virtually Identical

Applicant's proposed mark is ZENEK in standard character form. The cited prior registration is ZENEC in standard character form. Thus, the marks are nearly identical in terms of appearance and sound; the only difference being the last letter. Applicant's mark ends in "K" while the registrant's mark ends in "C." The "K" and the "C" both make the same hard "C" sound and are thus phonetic equivalents. The last letter changes neither the sound nor the overall look of the mark. In addition, the connotation and commercial impression of the marks do not differ when considered in connection with applicant's and registrant's respective goods. The marks are essentially identical and applicant accepts this finding.

See, TICRS, Incoming, 05/14/2015, page 5. Therefore, the similarities of the marks create a likelihood of confusion.

B. The Marks Are Used on the Same and Highly Related Goods

Applicant and the registrant provide overlapping and related goods, and the same entity commonly provides the same goods as applicant and the registrant to be used under the same mark. Applicant's identified goods are "cell phones; computers; PC tablets; wearable digital electronic devices comprised primarily of software and display screens for the use of smart phone capabilities and also featuring a wristwatch; wireless indoor and outdoor speakers" in International Class 009. The registrant's identified goods are "apparatus for recording, transmitting and reproducing sound or images; radios, amplifiers, equalizers, loudspeakers, television apparatus, touchscreen monitors, liquid crystal display monitors, video monitors, video cameras, CD and DVD playing apparatus, all the aforesaid apparatus are also intended for mounting on vehicles; parts for all the above products" in International Class 009. The two identifications overlap in a way that is likely to give rise to consumer confusion.

i. Same Trade Channels

Each of applicant's goods is either provided by the registrant, such as, apparatus for recording, transmitting and reproducing sound or images, and loudspeakers; or provided by similar entities that also provide goods sold by the registrant, such as, cell phones, computers, tablets, smart watches, and stereo systems (including speakers) for both home and automobile. Absent restrictions in an application and/or registration, the identified goods are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005

(Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods of the type described. See *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992). The registrant's broad identification of "apparatus for recording, transmitting and reproducing sound or images" is broad enough to encompass the cell phones, computers, tablets, and electronic devices identified in the application.

In the denial of the request for reconsideration, the examining attorney attached evidence consisting of websites belonging to companies that provide the same goods as both applicant and the registrant using the same mark. See, *TICRS, Outgoing, 10/08/2015, pages 2–29*. This evidence demonstrates that the same entity commonly manufactures the same goods as applicant and the registrant to be used under the same mark and sold through the same channels of trade. The examining attorney included two to three webpages from each of the following companies:

- Bose – the first Bose webpage lists products provided under the "Bose" name including: CD/radio players, home theater systems, stereo speakers, wireless speakers, docking speakers, and portable PA systems; the second Bose webpage features Bose automotive sound systems. See, *TICRS, Outgoing, 10/08/2015, pages 2–6*.
- Sony – the first Sony webpage lists products provided under the "Sony" name including: home theater systems, sound bars, home theater speakers; the second webpage features Sony car and marine stereo systems, in-car receivers and players, smartphone cradle receivers, speakers and amplifiers, and marine audio systems; the third Sony webpage includes smartphones, digital paper, tablets, SmartWear,

specifically, smart watches, and accessories. *See, TICRS, Outgoing, 10/08/2015, pages 7–20.*

- Pioneer – the first Pioneer webpage lists products provided under the “Pioneer” name including: AppRadio, GPS navigational devices, DVD receivers, CD receivers, digital media receivers, car speakers, car subwoofers, car amplifiers, and accessories; the second Pioneer webpage features computer drives, BD/DVD/CD recorders (burners), and Blu-ray/DB/DVD/CD players; the third Pioneer webpage includes home A/V receivers, home speakers, Blu-ray disc players, speaker bases, Bluetooth speakers, and speaker packages. *See, TICRS, Outgoing, 10/08/2015, pages 21–29.*

The evidence from the denial of the request for reconsideration demonstrates that each of applicant’s identified goods is either provided by the registrant, or provided by similar entities that also provide goods sold by the registrant. Applicant’s goods include “cell phones, computers, and PC tablets.” These goods feature built in cameras, the ability to play music, and built in CD/DVD drives (on computers), and thus incorporate goods in the registrant’s identification, namely, video cameras, video monitors, apparatus for recording, transmitting and reproducing sound or images, CD and DVD players, and CD and DVD burners. Looking at the evidence, the screenshot of the “Sony: Car & Marine” webpage shows a woman playing music on a smartphone. *See, TICRS, Outgoing, 10/08/2015, page 11.* Then on the “Sony: Mobile, Tablets & Smart Devices” webpage shows a picture of a person using a smartphone to take a picture and/or video. *See, TICRS, Outgoing, 10/08/2015, page 17.* Applicant argues that its display screens are limited to its wrist watches and smart phones but we see that Sony produces both of those products in addition to goods listed in the registrant’s identification, like display screens, stereo equipment, and accessories, all for home and automobile. *See, TICRS, Outgoing, 10/08/2015, pages 7–20.* Additionally, applicant’s identified goods, “wireless indoor and outdoor speakers” would include

the “loudspeakers” identified in the registration. The evidence also includes examples of Pioneer, Bose, and Sony all providing speakers both for the home, and for automobiles. *See, TICRS, Outgoing, 10/08/2015, pages 4–15, 21–29.*

Moreover, where the marks of the respective parties are virtually identical, as previously discussed, the relationship between the relevant goods need not be as close to support a finding of likelihood of confusion. *See In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); *In re House Beer, LLC*, 114 USPQ2d 1073, 1077 (TTAB 2015); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); TMEP §1207.01(a). The fact that the goods of the parties differ is not controlling in determining likelihood of confusion. The issue is not likelihood of confusion between particular goods, but likelihood of confusion as to the source or sponsorship of those goods. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1316, 65 USPQ2d 1201, 1205 (Fed. Cir. 2003); *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); TMEP §1207.01.

In this case, the marks are virtually identical and thus, there is a high risk of consumer confusion even if the goods are not similarly identical. Additionally, ZENEK is a strong mark that is not descriptive in nature, and therefore is more likely to stand out to consumers. Two electronics manufacturers with overlapping goods using the same strong mark would create consumer confusion.

Accordingly, based on the parties’ identifications and the evidence from the denial of the request for reconsideration, applicant and the registrant produce similar and related goods, and the same entity commonly provides the applicant’s and the registrant’s goods to be used under the same mark.

ii. The Construction of the Respective Identifications of Goods Does Not Obviate the Marks from Likelihood of Confusion

Turning next to the language in the identification, the word “also” in the registrant’s identification implies an addition to the goods rather than a limitation to the goods. Applicant argues, without providing evidence, that the word “also” in the registrant’s identification limits the registrant’s goods to items made for mounting on automobiles. *See, TICRS, Incoming, 05/14/2015, page 8; Applicant’s Brief, 11–12.* The wording, “all the aforesaid apparatus are also intended for mounting on vehicles” does not limit the registrant’s goods to items to be mounted on vehicles. The word “also” is used to combine words and phrases rather than limit them. Had the registrant meant to limit its goods to goods only intended for mounting on vehicles, it would have simply said “only” or “limited to” rather than using the word “also,” a word with the common dictionary definition of “in addition.” *See, The New Oxford American Dictionary (2nd ed. 2005) 46.*

The overriding concern is not only to prevent buyer confusion as to the source of the goods, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Because the term “all the aforesaid apparatus are also intended for mounting on vehicles” does not limit registrant’s identification, applicant’s amendment of its identification to include “all of the foregoing not for mounting on vehicles” (*see, TICRS, Incoming, 09/04/2015*) does not obviate a likelihood of confusion with the registrant’s goods. Additionally, the evidence presented above proves that entities commonly use the same mark on goods including speakers for home and auto, and smartphones and smart watches as well as stereo systems and accessories for use in vehicles. *See, TICRS, Outgoing, 10/08/2015, pages 2–29.* Even assuming the word “also” was meant to limit the

identification, the evidence from the denial of the request for reconsideration establishes that the same entity commonly produces both applicant's goods and registrant's identified goods to be used in connection with automobiles. *Id.* Specifically, there is evidence that Bose, Sony, and Pioneer all make stereo systems, including speakers, for both in-home entertainment as well as systems meant for automobiles. *See, TICRS, Outgoing, 10/08/2015, pages 4–15, 21–29.* There is also evidence that Sony, a maker of smartphones, tablets, and smartwatches, also makes display screens and monitors for automobiles. *See, TICRS, Outgoing, 10/08/2015, pages 7–20.*

iii. Sophistication of Consumers

Applicant argues, without providing any evidence, that consumers are sophisticated when purchasing applicant's expensive electronic goods. *See, TICRS, Incoming, 05/14/2015, pages 8–9.* When the relevant consumer includes both professionals and the general public, the standard of care for purchasing the goods is that of the least sophisticated potential purchaser. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d. 1317, 1325, 110 USPQ2d 1157, 1163 (Fed. Cir. 2014); *Alfacell Corp. v. Anticancer, Inc.*, 71 USPQ2d 1301, 1306 (TTAB 2004). While a consumer looking to buy a smart watch may exercise sufficient care to avoid confusion, applicant also provides cell phones and speakers which cost much less and likely result in less care by consumers. Even if applicant is correct in assuming that purchasers of applicant's smart watches are sophisticated, the evidence shows that purchasers of applicant's other products, including phones and speakers, likely use less care. In the final office action the examining attorney included evidence from an ABC News online article showing that 91% of adult Americans own a cell phone and 61% of Americans own a smartphone. *See, TICRS, Outgoing, 06/09/2015, pages 2–6.* Many cell phones are inexpensive and are owned by nearly all adults in the country. The consumer sophistication is only as high as the least sophisticated potential purchaser of cell phones or speakers.

Additionally, the fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); *see, e.g., Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011). The similarity of the marks and relatedness of the goods pose a significant risk of consumer confusion.

iv. Not Necessary to Show Absence of Confusion

Applicant also argues that the absence of actual confusion as between the marks and the length of time in which the marks have co-existed without actual confusion indicates that there is no likelihood of confusion. However, the test under Trademark Act Section 2(d) is whether there is a likelihood of confusion. It is not necessary to show actual confusion to establish a likelihood of confusion. *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1571, 218 USPQ 390, 396 (Fed. Cir. 1983)); TMEP §1207.01(d)(ii). The Trademark Trial and Appeal Board stated as follows:

[A]pplicant's assertion that it is unaware of any actual confusion occurring as a result of the contemporaneous use of the marks of applicant and registrant is of little probative value in an ex parte proceeding such as this where we have no evidence pertaining to the nature and extent of the use by applicant and registrant (and thus cannot ascertain whether there has been ample opportunity for confusion to arise, if it were going to); and the registrant has no chance to be heard from (at least in the absence of a consent agreement, which applicant has not submitted in this case).

In re Kangaroos U.S.A., 223 USPQ 1025, 1026-27 (TTAB 1984). The evidence above demonstrates that the goods of applicant and the registrant overlap, and that the same entity commonly provides the

same goods as applicant and the registrant, to be registered under the same mark. The similarity of the marks and the similarity of the goods create a strong likelihood of consumer confusion.

CONCLUSION

For the foregoing reasons the examining attorney respectfully requests that the refusal under Trademark Act Section 2(d), 15 U.S.C. §1052(d) be affirmed.

Respectfully submitted,

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French from Latin *Alpes*, from Greek *Alpeis*, of unknown origin.

al-Qaeda /al'kida; 'kædæ; kɑ'edə/, (also **al-Qa'idah**, **al-Qaedā**) a militant Islamic fundamentalist group. Founded in the late 1980s to combat the Soviets in Afghanistan, its goal is to establish a pan-Islamic caliphate by collaborating with Islamic extremists to overthrow non-Islamic regimes and to expel Westerners and non-Muslims from Muslim countries. ▶ Arabic, literally 'the base.'

Al-Qa-hi-ra /al'kähəra/ Arabic name for CAIRO.

al-Qods /al'kɔdʒ/ ▶ the Arabic name for Jerusalem.

al-ready /ɔl'redeɪ/ ▶ *adv.* **1** before or by now or the time in question: *Anna has suffered a great deal already.* **2** as surprisingly soon or early as this: *at 31, he already suffers from arthritis | already it was past four o'clock.* **3** informal used as an intensive after a word or phrase to express impatience: *enough already with these crazy kids and their wacky dances!* ▶ Middle English: from **ALL** (as an adverb) + **READY**; sense 2 is influenced by Yiddish use.

al-right /ɔl'raɪt/ ▶ variant spelling of **ALL RIGHT**.

USAGE The merging of *all* and *right* to form the one-word spelling **alright** is first recorded toward the end of the 19th century (unlike other similar merged spellings such as **altogether** and **already**, which date from much earlier). There is no logical reason for insisting that **alright** be two words when other single-word forms such as **altogether** have long been accepted. Nevertheless, although found widely, **alright** remains nonstandard.

ALS ▶ *abbr.* amyotrophic lateral sclerosis.

Alsace /al'sas; 'sæs/ a region of northeastern France, on the borders with Germany and Switzerland. It was annexed by Prussia, along with part of Lorraine, to form **Alsace-Lorraine** after the Franco-Prussian War of 1870–71. It was restored to France after World War I.

Alsatian /al'sæʃən/ ▶ **1** chiefly *Brit.* another term for **GERMAN SHEPHERD**. **2** a native or inhabitant of Alsace.

▶ *adj.* of or relating to Alsace or its inhabitants. ▶ from medieval Latin *Alsacia* 'Alsace' + **-AN**.

alsike /'al'sik; 'sɪk/ (also **alsike clover**) ▶ *n.* a tall clover that is widely grown for fodder. Native to Europe, it has become naturalized in North America. ▶ *Trifolium hybridum*, family Leguminosae. ▶ mid 19th cent.: named after *Alsike* in Sweden; Linnæus mentions the plant growing there.

also /'ɒlsə/ ▶ *adv.* in addition; too: *a brilliant linguist, he was also interested in botany | dyslexia, also known as word-blindness | [sentence adverb] also, a car is very expensive to run.* ▶ Old English *also* 'quite so, in that manner, similarly' (see **ALL, SO**).

also-ran ▶ *n.* a loser in a race or contest, esp. by a large margin. ▶ an undistinguished or unsuccessful person or thing. ▶ late 19th cent.: originally applied to horses in a race that do not get a "place."

alstroemeria /al'strə'mi(ə)rə/ ▶ *n.* a South American plant with showy lilylike flowers, often cultivated as an ornamental. ▶ Genus *Alstroemeria*, family Liliaceae: several species, in particular the Peruvian lily. ▶ late 18th cent.: modern Latin, named after Klas von Alstroemer (1736–96), Swedish naturalist.

alt /ɔlt/ ▶ *n.* short for **ALT KEY**.

alt. ▶ *abbr.* ▶ *alt.* ▶ *altimeter*. ▶ *altitude*.

alt. (also **alt-**) ▶ *combining form* denoting a version of something that is intended as a challenge to the traditional version: *an alt. classical quartet.* ▶ 1990s: *abbr.* of *alternative*, influenced by the *alt.* prefix of some Usenet newsgroups.

Alta. ▶ *abbr.* Alberta.

Alta-de-na /al'tə'denə/ a residential suburb in southwestern California, just north of Pasadena; pop. 42,658.

Altai /'al'ti; 'æl-/ (also **Altay**) a krai (administrative territory) of Russia in southwestern Siberia, on the border with Kazakhstan; capital, Barnaul.

Altaic /al'taik/ ▶ *adj.* **1** of or relating to the Altaic Mountains. **2** denoting or belonging to a phylum of languages that includes the Turkic, Mongolian, Tungusic, and Manchu languages. They are characterized by agglutination and vowel harmony. ▶ *n.* the Altaic family of languages.

Altai Mountains a mountain system in central Asia that extends east for about 1,000 miles (1,600 km) from Kazakhstan into western Mongolia and northern China.

Altair /'al,tə(ə)r; 'tɪ(ə)r; 'æl'tɪ(ə)r; 'tɪ(ə)r/ *Astronomy*

the brightest star in the constellation Aquila. ▶ Arabic, literally 'flying eagle.'

Alta-mi-ra /al'tə'mi(ə)rə/ the site of a cave with Paleolithic rock paintings, south of Santander in northern Spain, discovered in 1879.

altar /'ɔltər/ ▶ *n.* the table in a Christian church at which the bread and wine are consecrated in communion services. ▶ a table or flat-topped block used as the focus for a religious ritual, esp. for making sacrifices or offerings to a deity. ▶ Old English *altar*, *alter*, based on late Latin *altar*, *altarium*, from Latin *altus* 'high.'

▶ **PHRASES** ▶ *lead someone to the altar* marry. ▶ *sacrifice someone/something on/at the altar of someone/something* cause someone or something to suffer in the interests of someone or something else: *no businessman is going to sacrifice his company on the altar of such altruism.*

altar boy ▶ *n.* a boy who acts as a priest's assistant, esp. in the Roman Catholic Church.

altar call ▶ *n.* a summons to the altar at a Christian worship service to those wishing to show their commitment: *I never responded to an altar call, or if my pastor gave an altar call, I didn't think it applied to me.*

altar girl ▶ *n.* a girl who acts as a priest's assistant during a service, esp. in the Roman Catholic Church.

altar-piece /'ɔltər,pēs/ ▶ *n.* a work of art, esp. a painting on wood, set above and behind an altar.

altar rail ▶ *n.* a railing in front of the altar, separating the chancel from the nave.

Altay variant spelling of **ALTAI**.

alt-azimuth /al'təzə'miθ/ ▶ *n.* **1** (also **altazimuth mount** or **mounting**) *Astronomy* a telescope mounting that moves in azimuth (about a vertical axis) and in altitude (about a horizontal axis). Compare with **EQUATORIAL MOUNT**. ▶ (also **altazimuth telescope**) a telescope on such a mounting. **2** a surveying instrument for measuring vertical and horizontal angles, resembling a theodolite but larger and more precise. ▶ mid 19th cent.: blend of **ALTITUDE** and **AZIMUTH**.

alt.country /'ɔlt'kʌntri/ (also **alt-country**) ▶ *n.* a style of country music that is influenced by alternative rock.

Altdorfer /'ælt,dɔrfər/. Albrecht (c.1485–1538), German painter and engraver. He was the principal artist of the Danube School.

alter /'ɔltər/ ▶ *v.* change or cause to change in character or composition, typically in a comparatively small but significant way: [*trans.*] *Eliot was persuaded to alter the passage | nothing alters the fact that children are our responsibility | [*intrans.*] our outward appearance alters as we get older | [*as adj.*] [*altered*] an altered state.*

▶ [*trans.*] make structural changes to (a building); [*plans to alter the dining hall.*] ▶ [*trans.*] (tailor) (clothing) for a better fit or to conform to fashion: *skirts with the hemlines altered a dozen different times.* ▶ [*trans.*] castrate or spay (a domestic animal). ▶ late Middle English: from Old French *alterer*, from late Latin *alterare*, from Latin *alter* 'other.' — **alter-a-ble** *adj.*

alter-a-tion /'ɔltə'ræʃən/ ▶ *n.* the action or process of altering or being altered: *timetables are subject to alteration without notice | alterations had to be made.* ▶ late Middle English: from Old French, or from late Latin *alteratio(n)-*, from the verb *alterare* (see **ALTER**).

alter-cate /'ɔltər,kæt/ ▶ *v.* [*intrans.*] *archaic* dispute or argue noisily and publicly. ▶ mid 17th cent.: from Latin *altercat* 'wrangled,' from *altercari*.

alter-ca-tion /'ɔltər'kæʃən/ ▶ *n.* a noisy argument or disagreement, esp. in public: *I had an altercation with the conductor.* See note at **QUARREL**. ▶ late Middle English: from Latin *altercatio(n)-*, from the verb *altercari* (see **ALTERCATE**).

alter-e-go ▶ *n.* a person's secondary or alternative personality. ▶ an intimate and trusted friend. ▶ mid 16th cent.: Latin, 'other self.'

alter-ity /'ɔltər'ɪtɪ/ ▶ *n.* *formal* the state of being other or different; otherness. ▶ mid 17th cent.: from late Latin *alteritas*, from *alter* 'other.'

alter-nant /'ɔltərənənt/ ▶ *n.* an alternative form of a word or other linguistic unit; a variant.

▶ *adj.* alternating: changing from one to the other. ▶ mid 17th cent.: from Latin *alternant* 'doing things by turns,' from the verb *alternare* (see **ALTERNATE**).

alter-nate ▶ *v.* /'ɔltər,næt/ [*intrans.*] occur in turn repeatedly: *the governorship alternated between the Republican and Democratic parties | bouts of depression alternate with periods of elation | [*as adj.*] [*alternating*] a season of alternating hot days and cool nights.*

▶ *perform in turn repeatedly: some adults who wish to alternate work with education.*

▶ *adj.* /'ɔltərneɪt/ (*abbr.*: **alt.**) [*attrib.*] **1** every other; every second: *she was asked to attend on alternate days. ▶ (of two things) each following and succeeded by the other in a regular pattern: *alternate bouts of intense labor and of idleness.* ▶ (of a sequence) consisting of alternate items. ▶ *Botany* (of leaves or shoots) placed alternately on the two sides of the stem. **2** taking the place of; alternative: *the rerouted traffic takes a variety of alternate routes.**

▶ *n.* /-nɪt/ (*abbr.*: **alt.**) a person who acts as a deputy or substitute. ▶ early 16th cent.: from Latin *alternatus* 'done by turns,' from *alternare*, from *alternus* 'every other,' from *alter* 'other, the other.' — **alter-nate-ly** /-nɪtli/ *adv.* — **alter-na-tion** /'ɔltər'næʃən/ *n.*

USAGE See usage at **ALTERNATIVE**.

alter-nate an-gles ▶ *plural n.* two angles, not adjoining one another, that are formed on opposite sides of a line that intersects two other lines. If the original two lines are parallel, the alternate angles are equal.

alter-nating cur-rent (*abbr.*: **AC** or **ac**) ▶ *n.* an electric current that reverses its direction many times a second at regular intervals, typically used in power supplies. Compare with **DIRECT CURRENT**.

alter-na-tion of gen-er-a-tions ▶ *n.* *Biology* a pattern of reproduction occurring in the life cycles of many lower plants and some invertebrates, involving a regular alternation between two distinct forms. The generations are alternately sexual and asexual (as in ferns) or dioecious and parthenogenetic (as in some jellyfish).

alter-na-tive /'ɔltər'nə-tɪv/ ▶ *adj.* [*attrib.*] (of one or more things) available as another possibility: *the various alternative methods for resolving disputes | the alternative definition of democracy as popular power.* ▶ (of two things) mutually exclusive: *the facts fit two alternative scenarios.* ▶ of or relating to behavior that is considered unconventional and is often seen as a challenge to traditional norms: *an alternative lifestyle | they have one foot in alternative music and the other in rock.*

▶ *n.* one of two or more available possibilities: *audiocassettes are an interesting alternative to reading | she had no alternative but to break the law.* ▶ mid 16th cent. (in the sense 'alternating, alternate'): from French *alternatif*, *-ive* or medieval Latin *alternativus*, from Latin *alternare* 'interchange' (see **ALTERNATE**). — **alter-na-tive-ly** *adv.* [*sentence adverb*] *alternatively, you may telephone us direct.*

USAGE 1 *Alternate* can be a verb, noun, or adjective, while *alternative* can be a noun or adjective. In both American and British English, the adjective *alternate* means 'every other' (there will be a dance on alternate Saturdays) and the adjective *alternative* means 'available as another choice' (an alternative route; alternative medicine; alternative energy sources). In American usage, however, *alternate* can also be used to mean 'available as another choice': *an alternate plan called for construction to begin immediately rather than waiting for spring.* Likewise, a book club may offer an 'alternate selection' as an alternative to the main selection.

2 Some traditionalists maintain, from an etymological standpoint, that you can have only two alternatives (from the Latin *alter* 'other' (of two); the other) and that uses of more than two alternatives are erroneous. Such uses are, however, normal in modern standard English.

alter-na-tive dis-pu-te res-o-lu-tion (*abbr.*: **ADR**) ▶ *n.* the use of methods such as mediation and arbitration to resolve a dispute instead of litigation.

alter-na-tive en-er-gy ▶ *n.* energy generated in ways that do not deplete natural resources or harm the environment, esp. by avoiding the use of fossil fuels and nuclear power.

alter-na-tive fu-el ▶ *n.* a fuel other than gasoline for powering motor vehicles, such as natural gas, methanol, or electricity.

alter-na-tive med-i-cine ▶ *n.* any of a range of medical therapies that are not regarded as orthodox by the medical profession, such as herbalism, homeopathy, and acupuncture. See also **COMPLEMENTARY MEDICINE**.

alter-na-tor /'ɔltər,nətər/ ▶ *n.* a generator that produces an alternating current.

Althing /'ɔlt,θɪŋŋ; 'æl-/ the bicameral legislative assembly of Iceland. ▶ Icelandic, from Old Norse.

althorn /'ælt,hɔrn/ ▶ *n.* a musical instrument of the saxhorn family, esp. the alto or tenor saxhorn in

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