

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: October 26, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Mannington Mills, Inc.
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Serial No. 97080822
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Sherry Flax of Saul Ewing Arnstein & Lehr LLP, for Mannington Mills, Inc.

Andrew Janson, Trademark Examining Attorney, Law Office 105,
Jennifer Williston, Managing Attorney.

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Before Bergsman, Lykos, and Pologeorgis,
Administrative Trademark Judges.

Opinion by Bergsman, Administrative Trademark Judge:

Mannington Mills, Inc. (“Applicant”) seeks registration on the Principal Register of the mark CRAFTTEDEGE (in standard characters) for “laminated flooring; vinyl flooring; vinyl tiles; glue-laminated wood,” in International Class 19.¹

The Examining Attorney refused to register Applicant’s mark CRAFTTEDEGE under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that

¹ Serial No. 97080822 filed October 19, 2021, under Section 1(b)) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s bona fide intent to use the mark in commerce.

the proposed mark CRAFTEDEDGE merely describes Applicant's applied-for flooring. Specifically,

Consistent with the evidence of record, consumers encountering the applied-for mark in the context of its use with applicant's goods will understand it to mean that applicant's floor covering products have beginning and end borders ("edges") that are produced with care or ingenuity ("crafted"), in this case to achieve a particular aesthetic appearance and style.²

The appeal is fully brief. For the reasons explained below, we affirm the Section 2(e)(1) refusal.

When we cite to the record, we refer to the USPTO Trademark Status and Document Retrieval (TSDR) system in the downloadable .pdf format by date, action, and page number (e.g., February 6, 2023 Request for Reconsideration (TSDR 3)). When we cite to the briefs, we refer to TTABVUE, the Board's docketing system by docket entry number and page number (e.g., 4 TTABVUE 6).

I. Whether CRAFTEDEDGE is merely descriptive

A. Applicable law

Section 2(e)(1) of the Trademark Act prohibits registration on the Principal Register of "a mark which, (1) when used on or in connection with the goods [and services] of the applicant is merely descriptive . . . of them," unless the mark has been shown to have acquired distinctiveness under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f). A mark is "merely descriptive" within the meaning of Section 2(e)(1) if it conveys an immediate idea of an ingredient, quality, characteristic,

² Examining Attorney's Brief (6 TTABVUE 6).

feature, function, purpose or use of the goods and services. *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re N.C. Lottery*, 866 F.3d 1363, 123 USPQ2d 1707, 1709 (Fed. Cir. 2017). “A mark need not immediately convey an idea of each and every specific feature of the goods in order to be considered merely descriptive; it is enough if it describes one significant attribute, function or property of the goods.” *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1513 (TTAB 2016) (citing *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987)).

Whether a mark is merely descriptive is “evaluated ‘in relation to the particular goods for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods because of the manner of its use or intended use,’” *Chamber of Commerce of the U.S.*, 102 USPQ2d at 1219 (quoting *In re Bayer AG*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)), and “not in the abstract or on the basis of guesswork.” *Fat Boys*, 118 USPQ2d at 1513 (citing *In re Abcor Dev. Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978)). We ask “whether someone who knows what the goods . . . are will understand the mark to convey information about them.” *Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 128 USPQ2d 1370, 1374 (Fed. Cir. 2018) (quoting *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012) (internal quotation omitted)).

A mark is suggestive, and not merely descriptive, if it requires imagination, thought, and perception on the part of someone who knows what the goods are to

reach a conclusion about their nature from the mark. *See, e.g., Fat Boys*, 118 USPQ2d at 1515.

If one must exercise mature thought or follow a multi-stage reasoning process in order to determine what characteristics the term identifies, the term is suggestive rather than merely descriptive.

In re Tennis in the Round, Inc., 199 USPQ 496, 497 (TTAB 1978).

“We ‘must consider the *commercial impression* of a mark as a whole.” *In re Fallon*, 2020 USPQ2d 11249, at *7 (TTAB 2020) (quoting *Real Foods*, 128 USPQ2d at 1374). “In considering [the] mark as a whole, [we] ‘may not dissect the mark into isolated elements,’ without consider[ing] . . . the entire mark,” *id.* (quoting *Real Foods*, 128 USPQ2d at 1374) (internal quotation omitted), “but we ‘may weigh the individual components of the mark to determine the overall impression or the descriptiveness of the mark and its various components.” *Id.* (quoting *Real Foods*, 128 USPQ2d at 1374) (internal quotation omitted)). “Indeed, we are ‘required to examine the meaning of each component individually, and then determine whether the mark as a whole is merely descriptive.” *Id.* (quoting *DuoProSS*, 103 USPQ2d at 1758).

“Where a mark consists of multiple words, the mere combination of descriptive words does not necessarily create a non-descriptive word or phrase.” *In re Omniome, Inc.*, 2020 USPQ2d 3222, at *4 (TTAB 2019). “If the words in the proposed mark are individually descriptive of the identified goods, we must determine whether their combination ‘conveys any distinctive source-identifying impression contrary to the descriptiveness of the individual parts.” *Fallon*, 2020 USPQ2d 11249, at *7 (quoting *Fat Boys*, 118 USPQ2d at 1515-16) (internal quotation omitted)). “If each word

instead ‘retains its merely descriptive significance in relation to the goods, the combination results in a composite that is itself merely descriptive.’” *Id.* (quoting *Fat Boys*, 118 USPQ2d at 1516) (internal quotation omitted)); *see also In re Zuma Array Ltd.*, 2022 USPQ2d 736, at *7 (TTAB 2022). “A mark comprising a combination of merely descriptive components is registrable only if the combination of terms creates a unitary mark with a non-descriptive meaning, or if the composite has a bizarre or incongruous meaning as applied to the goods or services.” *Omiome, Inc.*, 2020 USPQ2d 3222, at *4.

In determining how the relevant consuming public perceives Applicant’s proposed mark CRAFTEDEDGE in connection with its identified goods, we may consider any competent source, including dictionary definitions and Applicant’s own advertising material and explanatory text. *See N.C. Lottery*, 123 USPQ2d at 1709-10; *Bayer*, 82 USPQ2d at 1831.

B. Evidence

We begin our review of the evidence by defining the terms comprising Applicant’s mark CRAFTEDEDGE.

The MERRIAM-WEBSTER DICTIONARY ([merriam-webster.com](https://www.merriam-webster.com)) defines the word “Craft,” *inter alia*, as a transitive verb meaning “to mark or produce with care, skill, ingenuity // *She is crafting a new sculpture. // a carefully crafted story.*”³

³ July 26, 2022 Office Action (TSDR 28).

It defines the word “Edge,” inter alia, as “the line where an object or area begins or ends: BORDER // *the edge of a plain.*”⁴

The Examining Attorney submitted two excerpts from Applicant’s website listed below:

- The first website is <<https://floors.com/CraftedEdge>>. We reproduce below the relevant portion of Applicant’s website:⁵



The text at the bottom of the above-noted webpage reads as follows:

Exclusive to Mannington, CraftedEdge™ technology creates a chiseled hand-crafted bevel found on today’s most luxurious floors. Featured on Regency and Calico in ADURA®Rigid.

⁴ *Id.* at TSDR 17.

⁵ *Id.* at TSDR 46.

The MERRIAM-WEBSTER DICTIONARY (merriam-webster.com) (accessed October 25, 2023) defines “bevel,” inter alia, as “the angle that one surface or line makes with another when they are not at right angles” and “the slant of such a surface or line.”

The Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed format or have regular fixed editions. *In re Cordua Rests. LP*, 110 USPQ2d 1227, 1229 n.4 (TTAB 2014), *aff’d*, 823 F.3d 594, 118 USPQ2d 1632 (Fed. Cir. 2016); *In re Omniome, Inc.*, 2020 USPQ2d 3222, at *2 n.17 (TTAB 2019).

- The second website is <mannington.com/residential/adura-luxury-vinyl/craftededge>. We reproduce below the relevant portion of the second website excerpt:⁶

CraftedEdge™ Bevel Technology



Introducing the next evolution of LVT bevel technology: CraftedEdge™



Exclusive to Mannington, CraftedEdge™ technology creates a chiseled hand-crafted bevel found on today's most luxurious floors. Featured on Regency and Calico in ADURA®Max and ADURA®Rigid.



⁶ December 6, 2022 Office Action (TSDR 39-40). The text at the bottom is the same as the text in the first website.

The Examining Attorney submitted third-party use of “crafted edge” in connection with flooring listed below:

- Floor to Ceiling Interior Design Showroom website (floortoceiling.gr.com) advertises Applicant’s ADURA®MAX PLANK luxury vinyl tile.⁷ The website describes the product as follows (emphasis added):

ADURA®MAX PLANK

Lynx

... Each plank offered in a 7” x 48” format is accented by a **crafted edge**, creating a very traditional floor that can transform any home into a countryside farmhouse. ... Exclusive to Mannington, CraftedEdge™ technology creates a chiseled hand-crafted bevel found on today’s most luxurious floors. Mannington’s design team worked tirelessly to develop an industry leading technology which evolves our new wood design to the next level of realism, making our floors featuring CraftedEdge™ technology look like authentic hardwood.⁸

The website presents the “Product Attributes” as reproduced below:⁹

PRODUCT ATTRIBUTES	
COLLECTION	Adura®Max Plank
COLOR	Lynx
SHADE	Medium
SPECIES	Wood
EDGE	CraftedEdge™
APPLICATION	Residential
THICKNESS	8.0 Mm With 20 Mil Wearlayer
LOCATION	On, Above Or Below Grade
BACKING	VN
LOOK	Wood
INSTALLATION METHOD	Floating

⁷ July 26, 2022 Office Action (TSDR 14-16).

⁸ *Id.* at TSDR 14.

⁹ *Id.* at TSDR 15.

- Kamals (kamalsflooring.com) advertises “Mohawk Crafted Edge Birch Bark” carpeting.

Buy Mohawk Crafted Edge Birch Bark from Kamal’s Flooring, Rugs, and Upholstery”¹⁰

The “Product Information” from the website is set forth below:¹¹

Product Information		
Overview	Mohawk	
Collection	Crafted Edge	
Highlights	SKU	1V73-527
	Manufacturer	Mohawk
	Color Code	527
	Material	Triexta
	Color	Birch Bark
	Style	Saxony and Plush
	Style Code	1V73
	Is Molding	No
	Collection Name	Crafted Edge
	Brand	Mohawk

- Flooring Depot website (flooringdepotofpanama.com) advertises “Crafted Edge Dark Forest” carpeting.¹²

¹⁰ December 26, 2022 Office Action (TSDR 33).

¹¹ *Id.* at TSDR 34.

¹² *Id.* at TSDR 36.

• Heidelberg Wood Flooring website (heidelbergflooring.com) posts information regarding flooring design elements. The relevant portions of the Heidelberg Wood Flooring website is reproduced below (emphasis added):¹³

Custom Design Elements

WOOD

TEXTURE

EDGE

Bevel your floor with one of our artfully **crafted edge** treatments that not only adds architectural interest, but serves a utilitarian function for proper field fitting.

Micro Bevel: Leaves a uniform 45 degree angle approximately an 1/16" edge on all four sides of your plank.

Hand Scraped Edge: Edges and Ends are gently hand scrapped at a 45 degree angle and are generally chattered for rustic ambience.

Pillowed Edge: A soft, rounded ellipse at the border's edges accomplished by scrupulous sculpting and hand sanding.

COLOR

FINISH

¹³ July 26, 2022 Office Action (TSDR 6-8).

• The Hickman Woods website (hickmanwoods.com) posts information regarding its wood flooring “Custom Surface Treatment.” We reproduce the relevant portions of the website below:¹⁴

Hand-Crafted Custom Surface Treatments



Hand Scrape

Each board is individually crafted by hand to give the appearance of an old foot worn floor.

No two boards will be alike. This is very unique compared to most “hand scraped” floors you see on the market.



Hand Crafted Edge

Inconsistent bevel that creates a rustic distinction between the individual boards.

This is often added with a circle sawn or wire brush floor.



Wire Brush

Slight wire brush creates a reclaimed look to the floor by removing the summer wood from each board, like wood naturally does after years of exposure to elements.

We recommend adding a hand **crafted edge**.



Circle Sawn

Sawmills no longer cut logs with circle saws to minimize the waste using band saws. We can add the circle sawn marks to lumber to create the appearance of a reclaimed wood floor.

Random width live sawn with hand **crafted edge** is a very popular rustic option.

The Examining Attorney submitted the third-party use of the word “Crafted,” part from the word “Edge” used in connection with flooring listed below:

• Armstrong Flooring website (armstrongflooring.com) advertises “Crafted Oak Luxury Vinyl Tile.”¹⁵

¹⁴ *Id.* at TSDR 9-10.

¹⁵ December 6, 2022 Office Action (TSDR 7).

- Mexican Tile Designs website (mexicantiledesigns.com) advertises “Stair Coping, Tierra Art Hand Crafted, High Fired Floor Tile.” The website advertises handmade terra-cotta floor tiles that are handcrafted.¹⁶

- Pavé Tile, Wood & Stone, Inc. website (pavehdm.com) posts an informative webpage regarding “Historic Decorative Materials.”¹⁷ In discussing how it recreates 18th century French oak flooring, the Pavé website states that “[t]he boards are then individually worked and crafted to achieve the authenticity of an 18th century patina”¹⁸ and “Old Growth Oak Superbly Crafted into a Réédition French Reclaimed Oak Floor from our Kings of France 18th Century French Oak Flooring Collection.”¹⁹

The website also discusses how the “edge details” of the flooring brings authenticity.²⁰

- FastFloors.com website (fastfloors.com) advertises “Quick-Step Carefully Crafted Carpet Tiles.”²¹

- Floor To Ceiling Interior Design Showroom website (floortoceilingvirginia.com) advertises Applicant’s Mountain View Hickory product line as “Hand Crafted Smoke.”²² In the “Product Attributes,” the edge is described as “full bevel.”²³

¹⁶ *Id.* at TSDR 13.

¹⁷ *Id.* 16-27.

¹⁸ *Id.* at TSDR 20.

¹⁹ *Id.* at TSDR 26.

²⁰ *Id.* at TSDR 17.

²¹ *Id.* at TSDR 28.

²² *Id.* at TSDR 30. This is a different website than the Floor To Ceiling website discussed above.

²³ *Id.* at TSDR 31.

Subsequently, in posting related products, the website lists “Hand Crafted” Alpine, Almond, Snowcap, and Sundance flooring.²⁴

Finally, Applicant submitted copies of seven (7) third-party registrations consisting of variations of the word “Craft” and four (4) third-party registrations consisting of the word “Edge” listed below:²⁵

- Registration No. 5559939 for the mark NATURE CRAFTED COLLECTION (“Collection” disclaimed) for “synthetic non-metal roofing tiles, shingles and panels,” in International Class 19;
- Registration No. 5777735 for the mark CRAFTED WITH PURPOSE for “vinyl flooring; vinyl tiles,” in International Class 19, and “carpet tiles, carpeting, carpet and rugs; vinyl flooring coverings,” in International Class 27;
- Registration No. 65392568 for the mark FIELD CRAFTED for “meat-based snacks,” in International Class 29;
- Registration No. 6101242 for the mark CRAFTED BEAUTY for medical services, in International Class 44;
- Registration No. 5704934 for the mark PANCRAFTED for “candy,” in International Class 30;
- Registration No. 5610540 for the mark BENCH CRAFTED for “vices; vises; bench vises; hand tools, namely, vices,” in International Class 8;

²⁴ *Id.*

²⁵ November 2, 2022 Response to Office Action (TSDR 7-26); *see also* February 6, 2023 Request for Reconsideration (TSDR 8-17) where Applicant submitted the third-party registrations a second time.

- Registration No. 5565887 for the mark LACRAFTS for online retail stores services featuring party supplies and arts and crafts, in International Class 35;
- Registration No. 5728894 for the mark CLEAR EDGE for “wooden doors,” in International Class 19;
- Registration No. 5618845 for the mark EXACT EDGE for “custom pre-formed drywall shapes,” in International Class 19;
- Registration No. 2903595 for the mark QUIET EDGE for “non-metal insulation window units and non-metal window unit components, namely, sashes, muntins, and spacers,” in International Class 19; and
- Registration No. 3000271 for the mark QUALITY EDGE For metal flashings, soffits, fascias, trim, window casings siding, gutter guards, etc., in International Class 6 and non-metal siding, starters, channels, and corner posts for buildings, in International Class 19.

C. Analysis

As noted above, Applicant is seeking to register CRAFTEDEDGE in connection with “lamine flooring; vinyl flooring; vinyl tiles; glue-laminated wood.” The evidence shows that flooring edge is an important design element. For example,

- Heidelberg Wood Flooring website (heidelbergflooring.com) identifies the edge as a “Custom Design Element” touting its “artfully crafted edge treatments” as creating “architectural interest” and “proper field fitting.”²⁶

²⁶ July 26, 2022 Office Action (TSDR 7).

- Applicant describes “CraftedEdge” as “the next evolution of LVT [luxury vinyl tile] bevel technology” that creates a “hand-crafted bevel.”²⁷
- Floor to Ceiling Interior Design Showroom website (floortoceiling.gr.com) advertises Applicant’s ADURA®MAX PLANK luxury vinyl tile as being “accented by a crafted edge.”²⁸
- Hickman Woods website (hickmanwoods.com) touts “hand crafted edges” for its wood flooring.²⁹

Within the context of flooring products, relevant purchasers will immediately recognize CRAFTEDEDGE as describing the expert workmanship of the edges of the flooring: that is, “Crafted” meaning made with skill and ingenuity; and “Edge” meaning the border of the flooring products. These words maintain their descriptive significance in the mark as a whole. Applicant’s mark CRAFTEDEDGE when considered as a whole, immediately conveys the quality and features of the identified flooring products.

Applicant contends that because the separate terms comprising its mark CRAFTEDEDGE each have multiple meanings that could be applied to flooring, CRAFTEDEDGE is not merely descriptive.³⁰

Consumers might interpret CRAFTEDEDGE in different ways, including flooring created with a tool that has a specialty cutting side or flooring reflecting a highly stylized or “edgy” design. There are a multitude of interpretations

²⁷ July 26, 2022 Office Action (TSDR 46); December 6, 2022 Office Action (TSDR 39).

²⁸ July 26, 2022 Office Action (TSDR 14).

²⁹ July 26, 2022 Office Action (TSDR 10).

³⁰ Applicant’s Brief, p. 2 (4 TTABVUE 5).

that, without additional information, could apply to this term. These multiple interpretations establish that CRAFTTEDEGE, without some additional information or explanation, cannot be immediately understood.³¹

We disagree. The record does not support finding any alternative meaning of words “Crafted” and “Edge” or the combined term sought to be registered CRAFTTEDEGE. When used in connection with flooring, the words “Craft[ed]” and “Edge,” both individually and when combined into CRAFTTEDEGE refers to the craftsmanship of the border of the flooring. This illustrates the above-noted test where we ask whether someone who knows what the goods are [vinyl flooring] will understand the mark [CRAFTTEDEGE] to convey information about the flooring. There is nothing vague or ambiguous about the meaning of CRAFTTEDEGE.³² Thus, when considered as a whole, the mark does not have a separate non-descriptive meaning.

Applicant also contends that the third-party registration evidence, used in the manner of a dictionary, shows that “the term ‘crafted’ is routinely registered without a disclaimer is often combined with other terms to create registrable marks.”³³ Likewise for the word “Edge.”³⁴ Again, we disagree. First, only Registration No. 5777735 for the mark CRAFTED WITH PURPOSE for “vinyl flooring; vinyl tiles” is relevant and one registration is not persuasive. “That a term may have other

³¹ *Id.* at p. 3 (4 TTABVUE 6).

³² *Id.* (“CRAFTTEDEGE is inventive and creates a unique commercial impression that indicates the source of Applicant’s goods and services, nor their nature.”).

³³ *Id.* at p. 4 (4 TTABVUE 7).

³⁴ *Id.* at pp. 4-5 (4 TTABVUE 7-8).

meanings in different contexts is not controlling.” *Robinson v. Hot Grabba Leaf, LLC*, 2019 USPQ2d 149089, at *5 (TTAB 2019) (citing *In re Canine Caviar Pet Foods, Inc.*, 126 USPQ2d 1590, 1598 (TTAB 2018)).

Second, even assuming arguendo that these prior registrations were registered for relevant goods, they do not conclusively rebut our finding that Applicant’s mark CRAFTEDEDGE, in its entirety, is merely descriptive in the context of this appeal. We decide each case on its own merits based on its own record. Even if some prior registrations have characteristics similar to Applicant’s mark, the USPTO’s allowance of these registrations does not bind us. *See In re Nett Designs, Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001).

We find Applicant’s mark CRAFTEDEDGE is merely descriptive in connection with the applied-for vinyl flooring.

Decision: We affirm the Section 2(e)(1) refusal on the ground that the mark CRAFTEDEDGE is merely descriptive for the applied-for goods in International Class 19.