

This Opinion is Not a
Precedent of the TTAB

Mailed: May 10, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Financial Success Media, LLC

Serial No. 97087569

Ticora Davis of The Creator's Law Firm
for Financial Success Media, LLC.

Kim Teresa Moninghoff, Trademark Examining Attorney, Law Office 113,
Myriah Habeeb, Managing Attorney.

Before Cataldo, Goodman and Elgin,
Administrative Trademark Judges.

Opinion by Goodman, Administrative Trademark Judge:

Financial Success Media, LLC ("Applicant") seeks registration on the Principal Register of DREAM DECIDE DO (in standard characters) for "Stationery; Blank notepads; Blank paper notebooks; Printed day planners; Printed desktop planners; Printed motivational cards; A series of printed books, printed articles, printed

handouts and printed worksheets in the field of motivation and personal development” in International Class 16.¹

The Trademark Examining Attorney has refused registration of Applicant’s mark under Trademark Act Sections 1, 2, and 45, 15 U.S.C. §§ 1051-1052, 1127, on the ground that the wording is a widely used informational message that fails to function as a trademark.²

When the refusal was made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the request for reconsideration, the appeal was resumed. We affirm the refusal to register.

¹ Application Serial No. 97087569 was filed on October 22, 2021 based upon Applicant’s assertion of use in commerce, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), alleging October 2, 2021 as its date of first use and first use in commerce. In its February 8, 2023 Response to Office action, Applicant amended its application to allege a bona fide intention to use the mark in commerce under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

Page references to the application record refer to the .pdf version of the USPTO’s Trademark Status & Document Retrieval (TSDR) system. References to the briefs on appeal refer to the Board’s TTABVUE docket system. Before the TTABVUE designation is the docket number; coming after this designation are the page references, if applicable. Applicant’s brief is at 6 TTABVUE and the Examining Attorney’s brief is at 8 TTABVUE.

As part of an internal Board pilot citation program on broadening acceptable forms of legal citation in Board cases, this opinion varies from the citation form recommended in the TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 101.03 (2023). This opinion cites decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals by the page(s) on which they appear in the Federal Reporter (e.g., F.2d, F.3d, or F.4th). For decisions of the Board and the Director, this opinion cites to the WESTLAW legal database. This opinion cites only precedents of the Board (not the Director). The pilot is ongoing, using various citation forms. Until further notice, practitioners should continue to adhere to the citation form recommended in TBMP § 101.03.

² Examining Attorney’s brief, 8 TTABVUE 1.

I. Failure to Function as a Mark

“The Trade-Mark Act is not an act to register words but to register trademarks. Before there can be registrability, there must be a trademark (or a service mark) and, unless words have been so used, they cannot qualify for registration.” *In re Standard Oil Co.*, 275 F.2d 945, 947 (CCPA 1960). A “trademark” is defined as “any word, name, symbol, or device or any combination thereof... to identify and distinguish [a person’s] goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.” Trademark Act Section 45, 15 U.S.C. § 1127.

Thus, it is a threshold requirement of registrability under the Trademark Act that the proposed mark “identify and distinguish” the goods and services of the applicant from those of others, as well as “indicate the source” of those goods and services. *In re Go & Assocs.*, 90 F.4th 1354, 1356 (Fed. Cir. 2024). *See also In re Int’l Flavors & Fragrances Inc.*, 183 F.3d 1361, 1367 (Fed. Cir. 1999) (“It is well established, as noted above, that the purpose of a trademark is to distinguish goods and to identify the source of goods”).

In analyzing whether a proposed mark functions as a source identifier we typically focus on how the mark is used in the marketplace and how it is perceived by consumers. *In re Go & Assocs.*, 90 F.4th at 1356 (citing *In re Vox Populi Registry Ltd.*, 25 F.4th 1348, 1351 (Fed. Cir. 2022)). *See also Univ. of Ky. v. 40-0, LLC*, 2021 WL 839189, at *13 (TTAB 2021) (“The critical inquiry in determining whether a proposed mark functions as a trademark is how the relevant public perceives the term sought

to be registered.”) (citation omitted). If the nature of a proposed mark would not be perceived by consumers as identifying the source of a good or service, it is not registrable. *In re Go & Assocs.*, 90 F.4th at 1356.

Not every word, phrase, or slogan identifies and distinguishes one brand from another. *See D.C. Wholesaler v. Chien*, 2016 WL 7010638, at *3 (TTAB 2016) (citing *In re Eagle Crest Inc.*, 2010 WL 3441109, at *2 (TTAB 2010)) (“not every designation adopted with the intention that it perform a trademark function necessarily accomplishes that purpose.”) (citation omitted). Slogans and other terms that are considered to be merely informational in nature, or to be common laudatory phrases or commonly expressed concepts or sentiments that would ordinarily be used in business or in the particular trade or industry, are not registrable. *In re Tex. With Love, LLC*, 2020 WL 6689657, at *4 (TTAB 2020) (affirming refusal to register TEXAS LOVE for hats and shirts because “it would be perceived not as a source identifier, but instead as a widely-used phrase that merely conveys a well-recognized and commonly expressed concept or sentiment”).

“The more commonly a phrase is used, the less likely that the public will use it to identify only one source and the less likely that it will be recognized by purchasers as a trademark.” *In re Eagle Crest*, 2010 WL 3441109, at *2. This is because consumers ordinarily take widely-used, commonplace messages at their ordinary meaning, and not as source indicators, absent evidence to the contrary. *See In re Mayweather Promotions, LLC*, 2020 WL 6689736, at *1 (TTAB 2020) (“Widely used commonplace messages are those that merely convey ordinary, familiar concepts or sentiments and

will be understood as conveying the ordinary concept or sentiment normally associated with them, rather than serving any source-indicating function.”); *In re DePorter*, 2019 WL 460492, at *6 n. 14 (TTAB 2019) (quoting TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1202.04(b)). (“Messages that are used by a variety of sources to convey social, political, religious, or similar sentiments or ideas are likely to be perceived as an expression of support for, or affiliation or affinity with, the ideas embodied in the message rather than as a mark that indicates a single source of the goods or services.”).

We must assess whether Applicant’s proposed mark functions as a mark based on whether the relevant public, i.e., purchasers or potential purchasers of Applicant’s goods, would perceive DREAM DECIDE DO as identifying Applicant’s goods and their source or origin. *See e.g. In re Go Assocs.* 90 F.4th at 1356; *In re TracFone Wireless, Inc.*, 2019 WL 2511861, at *2 (TTAB 2019) (“The key question is whether the asserted mark would be perceived as a source indicator for Applicant’s [goods or] services.”); *In re Aerospace Optics, Inc.*, 2006 WL 1087849, at *2 (TTAB 2006) (same). While there are limitations as to the field of use for the identified printed books, articles, handouts and worksheets (“motivation and personal development”), there are no limitations as to the other identified goods, and there are no limitations as to the channels of trade or classes of purchasers. So the relevant consuming public comprises all potential purchasers of the identified Class 16 goods. *See CBS Inc. v. Morrow*, 708 F.2d 1579, 1581 (Fed. Cir. 1983).

“We look to the specimens and other evidence of record showing how the designation is actually used in the marketplace.” *In re Eagle Crest*, 2010 WL 3441109, at *2. “[E]vidence of the public’s perception may be obtained from ‘any competent source, such as consumer surveys, dictionaries, newspapers and other publications.’” *Princeton Vanguard, LLC v. Frito-Lay N. Am., Inc.*, 786 F.3d 960, 965 (Fed. Cir. 2015) (quoting *In re Northland Aluminum Prods., Inc.*, 777 F.2d 1556, 1559 (Fed. Cir. 1985)). Internet evidence is relevant to show consumer perception. *In re Bayer AG*, 488 F.3d 960, 966 (Fed. Cir. 2007).

Applicant filed the application under Section 1(a) based on use in commerce and provided a specimen, but then amended to Section 1(b) as intent-to-use after the first action refusal and rejection of the original specimen. Even when an applicant has filed an application under Section 1(b), or as here, amended to Section 1(b), we may consider evidence from an applicant’s advertising literature and website.³ *In re Promo Ink*, 2006 WL 478994, at *2 (TTAB 2006) (examining attorney may introduce evidence that applicant’s own literature supports refusal despite application being based on Section 1(b)).

Therefore, we consider the specimen evidence showing how the designation is actually used by Applicant as well as any other marketplace evidence in the record. *See D.C. One Wholesaler*, 2016 WL 7010638, at *6 (failure to function found where “the marketplace is awash in products that display the term”).

³ The original specimens were identified as “website screenshots and invoice.” October 22, 2021 application.

A. Applicant's evidence of use from its previously filed specimen



Oct. 22, 2021 Teas application, specimen.

DREAM DECIDE DO™

The **Manifestation Goal Planner** To Help You Identify And Dissolve Subconscious Blocks So You Can
Unlock Your Full Potential

Id.

How This Journal *Works*

This journal is split into three sections: Dream, Decide, and Do™.

Each section has a purpose. Each section is a step in the process of creating the life you desire.

Dream

In this section you'll get crystal clear on your desires. You'll establish the beliefs that form the foundation of your dream as well as shift any limiting beliefs or subconscious blocks standing in the way of that dream. Once you understand how to do these exercises you can do them over and over again for anything you choose to create in your life.

Decide

In this section you'll learn how to create power statements. With these statements you'll commit to your dreams like you never have before. You will learn how to manifest faster and you'll even discover how to create your own manifestation process.

Do

This final section is set up like a traditional planner. You'll follow a 40 day reprogramming guide to take action in one specific area of your life: health, wealth, or relationships. Come back to it again to expand the other areas until your life is full and bursting with abundance.

Id.

B. The Examining Attorney's Evidence

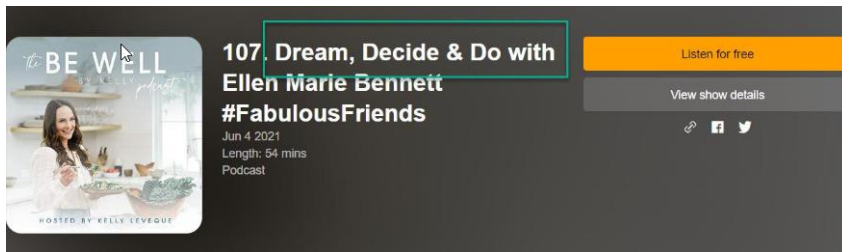
The Examining Attorney submitted examples of marketplace evidence showing use of the phrase “Dream Decide Do” by third parties. August 8, 2022 Office action, pp. 10-29.⁴

Clothing:



Godsignaturestatement.com, t-shirt August 8, 2022 Office action, p. 29.

Podcasts:



Audible.com podcast, *Id.* p. 28.

⁴ The Examining Attorney describes many of these marketplace examples as motivational: guidance, website, podcasts, book, blogposts, events, photos, t-shirt and coaching.

The "Dream Decide Do" Method

Inspired Ideas with Diane



INFO

Diane has been talking about this method for years but wanted to bring it to the podcast and also share some new thoughts related to using it now!

Are you ready to dream decide and do with Diane? Click here to find out more about her coaching and get a quick win consult set up!

Subscribe here:

Speaker.com podcast *Id.* p. 24.

Episode 042 | Dream Decide Do

105 views • Aug 17, 2020

DISLIKE SHARE SAVE ...

Three Words Podcast
359 subscribers

Whether it's breaking an old habit or starting a new business, positive change requires perspective, purpose and proactivity. This week, Dr. Michael Brown chats with his son, Justin Brown about the three keys to accomplishing your goals.

Three Words is a bite-sized podcast about choices presented by DMB Coaching. For more information visit <https://dmbcoaching.com>

SUBSCRIBE

YouTube.com *Id.* p. 17 (podcast)

Apple Podcasts Preview

Dream Decide Do
A Full Life Podcast

Education

Listen on Apple Podcasts

Why is making a decision so difficult? Amiyrah shares how she got past indecisiveness in 3 simple steps.

Decision debt episode of Life Coach School - <https://podcasts.apple.com/us/podcast/the-life-coach-school-podcast/id870239631?i=1000435221434>

How To Plan Your Year In A Day - <https://4hatsandfrugal.com/planyouryearinaday>

A Full Life On Less Facebook Group - <https://www.facebook.com/groups/186954241671446/?ref=share>

11 min PLAY

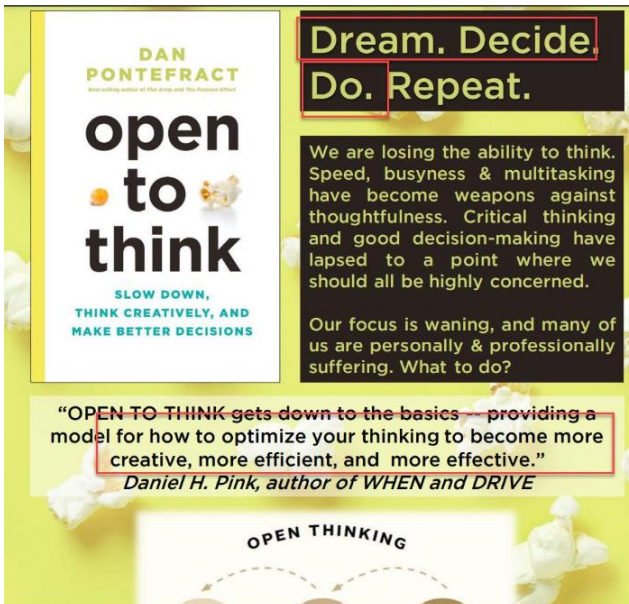
Apple podcast, podcasts.apple.com. *Id.* p. 13.

Career Event:




Lisaely.com (motivational event) *Id.* pp. 19-21.

Book Teaser:



Danpontefract.com(book teaser) *Id.* p. 14.


Planner:



BUY THINK TIME PLANNER


Here's How It Works:

THE PROCESS THAT BRINGS PROGRESS.




1. Dream

Clarify your dreams and grow in self-awareness with creative thinking exercises that move you to action.




2. Decide

Choose your best ideas and transform them into actionable steps so you can get results.



3. Do

Do your best work over the long haul as you implement top performance strategies in your day to day life.



+ Review

Appreciate today and make tomorrow great by practicing regular gratitude and self-reflection.

Think-time.com (planner) *Id.* p. 25-26


Blogposts:

↳ extras

Dream, decide, do - tips from a polyglot

by Ekaterina Matveeva
September / October 2015 | 0 Comments

[f](#) [t](#) [in](#) [p](#) [+](#) [e](#)



There are lots of tips on how to learn a language, I've come to my scheme, and I'll share bits of it with you.

Dream, decide, do! - this old formula works for success, why not to apply it to our language learning success?

Dream:
- dream about what you really want, what makes you wake up every morning and be passionate to

Parrotttime.com (blogpost) *Id.* p. 22.

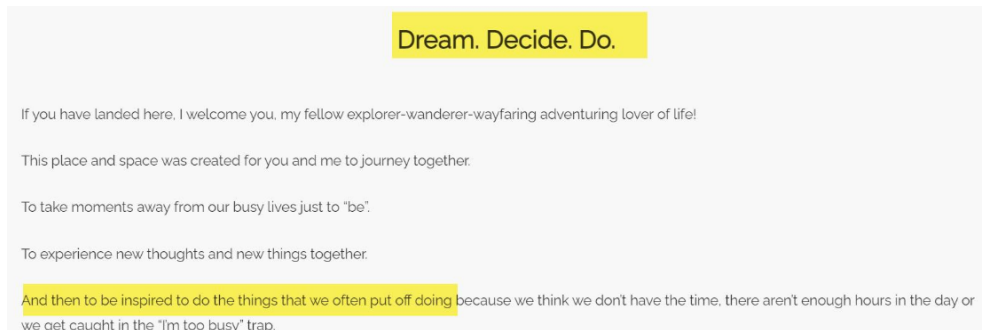


Scott Fleming
May 29, 2018 - 4 min read - Listen

[t](#) [f](#) [in](#) [l](#) [b](#)

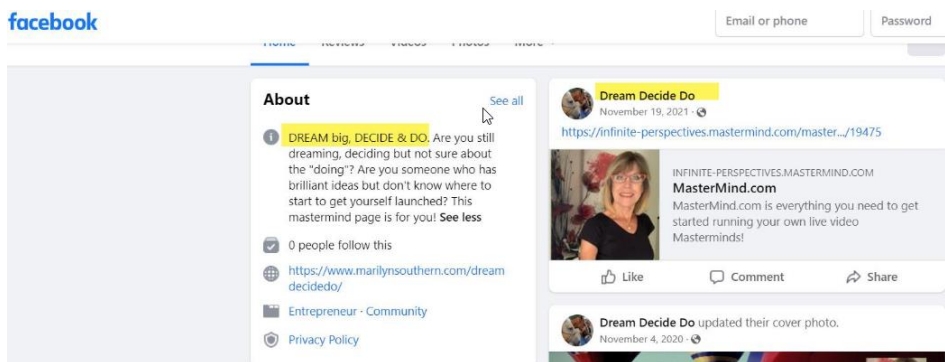
Dream, Decide, Do, Succeed — is it that simple?

Writingcooperative.com (blogpost) *Id.* p. 15.

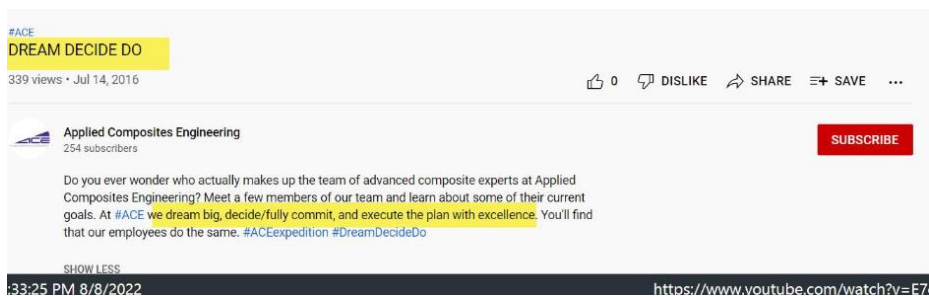


Kaarinadillabough.com *Id.* p. 27 (blogpost/webpage).

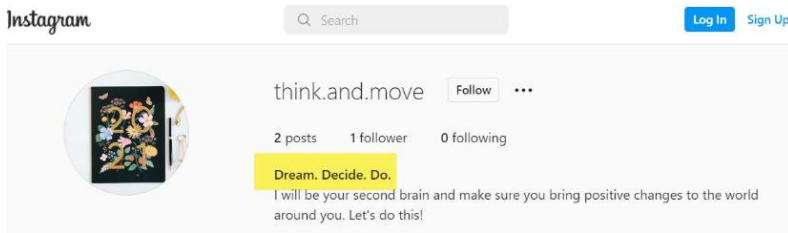
Facebook, Instagram, YouTube, and Pinterest (Mastermind, Business Culture, Coaching, and Inspirational quote):



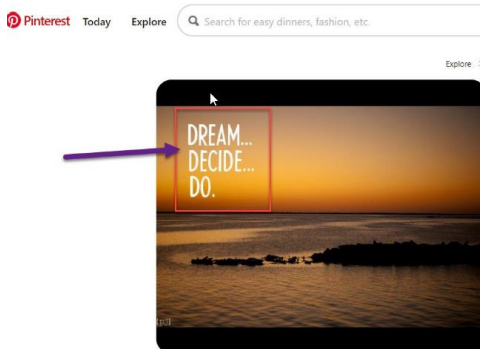
Facebook Page *Id.* p. 10



Youtube.com *Id.* p. 12 (Applied Composites Engineering – touting the company culture and team members).



Instagram *Id.* p. 11.



Pinterest *Id.* p. 18.

Travel:



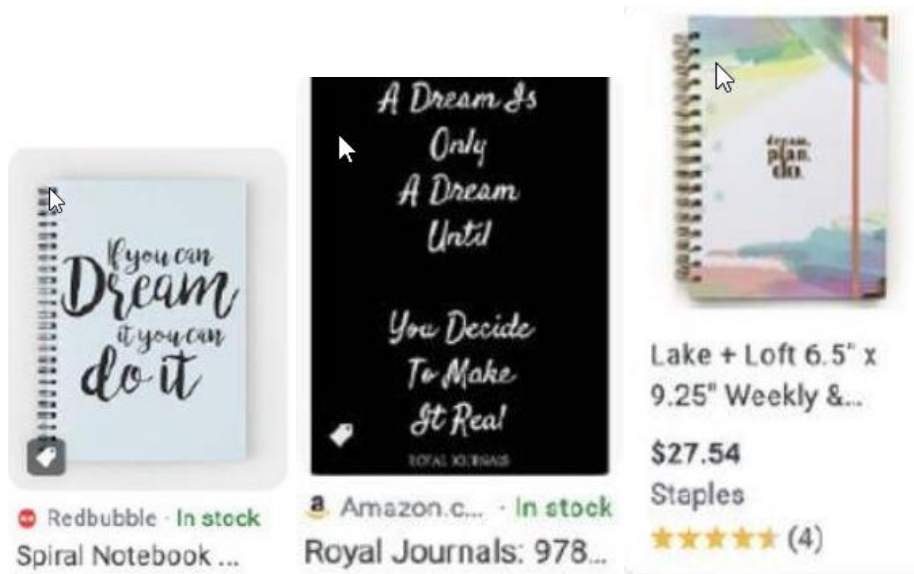
May 23, 2023 Office action (travel and retirement resources) handaathomeandaway.com. *Id.* pp. 6-7.

C. Applicant's evidence

Applicant ran Google image searches for “dream decide do planner” and “dream decide do notebook.”⁵ May 15, 2023 Response to Office action, pp. 7-10.

⁵ The text accompanying the product listings for planners shows some of them identified as “manifestation planner,” “manifestation goal setting planners,” and “goal planner.” May 15, 2023 Response to Office action, pp. 8-10.

A few of the products include two of the three terms from Applicant’s proposed mark, e.g., “Dream, plan, do,” “If you can Dream it you can do it” and “A dream Is Only A Dream Until You To Decide To Make It Real.” These images show the common display of wording across the face of the planner in an ornamental manner.



Applicant also provided a list of search results from Google search for the search “dream decide and do” (yielding 335,000 results), which lists Applicant fourth in the search result. August 23, 2023 Request for Reconsideration, p. 8. To explain this evidence, Applicant also included a web page on “How Google Ranks Search Sites,” using algorithms and bots, *Id.* at p. 9, and How Your Current Traffic Affects Your SEO, which indicates that direct traffic affects your Google ranking. *Id.* at p. 10.

D. Arguments and Analysis

The Examining Attorney argues that DREAM DECIDE DO is a commonplace term, message, or expression widely used by a variety of sources that merely conveys an ordinary, familiar, well-recognized concept or sentiment, and that DREAM

DECIDE DO, as shown by the evidence in the record, is “commonly used as a motivational or coaching tool to convey the steps to achieving one’s dreams.” 8 TTABVUE 4.

Applicant argues that the evidence of record does not support a finding that DREAM DECIDE DO fails to function as a mark. In particular, Applicant criticizes the evidence as “singular instances of variations of the phrase DREAM DECIDE DO being casually used within text buried within a blog post, a handful of graphic quotes, a phrase in an individuals’ Instagram bio, and the title of a few podcast episodes.” 6 TTABVUE 11. Applicant argues that the evidence is insufficient to show that “Applicant’s overall mark is commonly used in the printed goods industry.”⁶ *Id.* Applicant argues that in “the context of Applicant’s stationery,” and its other identified Class 16 goods in the field of personal development, Applicant’s DREAM DECIDE DO mark is not a widely used informational message. *Id.* at 11, 12.

As to Applicant’s criticism of the lack of evidence of DREAM DECIDE DO as used in connection with Class 16 planners, or its other identified Class 16 goods, the Examining Attorney’s evidence shows that individuals and businesses use this slogan in a non-trademark manner. In prior cases, we have found evidence of usage by various businesses, or on other products and services, not limited to any particular sector, or particular goods, to be probative of informational use. *See In re Wal-Mart*

⁶ Applicant also argues that “the relevant public does not understand DREAM DECIDE DO to mean printed goods.” 6 TTABVUE 12. As the Examining Attorney points out, 8 TTABVUE 7, this argument appears to be more directed to a descriptiveness refusal which has not been raised.

Stores, Inc., 2019 WL 193990, at *11 (TTAB 2019) (third-party usage examples provided by the Examining Attorney “show that people are exposed to the ordinary meaning of the phrase ‘investing in American jobs’ in everyday life” from commercial businesses in various industries); *In re Manco Inc.*, 1992 WL 368706, at *2 (TTAB 1992) (evidence of use by media and businesses in a variety of industries established that the slogan THINK GREEN for mailing and shipping items and weather-stripping does not function as a trademark); *In re Wakefern Food Corp.*, 1984 WL 63023, at *3 (TTAB 1984) (evidence that food stores and other businesses use the informational phrase “why pay more” was probative of use of the phrase as a common merchandising slogan used by others in connection with a variety of businesses).

Applicant also criticizes the amount of evidence submitted by the Examining Attorney as insufficient to establish widespread use. Although the volume of evidence in this case is not as large as in other Board cases, there is no specific rule as to the exact amount or type of evidence necessary to prove informational use. *Cf. Hunter Publ’g Co. v. Caulfield Publ’g Ltd.*, 1986 WL 83351, at *4 (TTAB 1986) (“[e]valuation of the evidence requires a subjective judgment as to its sufficiency based on the nature of the mark and the conditions surrounding its use.”).

Applicant has criticized some of the evidence as being “buried” within the blogpost, or advertisement, but this type of evidence has been found probative to show everyday use and common meaning. *See e.g., In re Team Jesus LLC*, 2020 WL 7312021 at *4-5 (TTAB 2020) (probative evidence reflecting general use of the phrase TEAM JESUS to convey a Christian affiliation in a wide variety of contexts including text within

newspaper editorial, blogposts, website ministry, website devotional, website article, and promotional website); *In re Volvo Cars of N. Am. Inc.*, 1998 WL 239298, at *3-4 (TTAB 1998) (considering probative numerous excerpts from printed publications (newspaper articles) where “drive safely” was used in its everyday, common meaning).

Applicant also criticizes the Examining Attorney’s evidence as being variations of DREAM DECIDE DO. However, “[t]he fact that applicant may convey similar information in a slightly different way than others is not determinative.” *In re Melville Corp.*, 1986 WL 83650 at *2 (TTAB 1986). Derivatives or variations of widely used messages also fail to function as marks if they convey the same or similar type of information or sentiment as the other slogan or phrase. *Id.* (finding BRAND NAMES FOR LESS failed to function as a mark based on evidence of widespread use of similar marketing phrases).

We also consider any evidence in the record of ornamental use of the designation (or variants) by applicant or third-parties on the identified goods. Ornamental use “is probative in determining whether a term or phrase would be perceived in the marketplace as a trademark or as a widely used message” and is evidence that may be relevant to consumer perception. *In re Mayweather Promotions, LLC*, 2020 WL 6689736, at *4, 5. *In re Hulting*, 2013 WL 5407310, at *3 (TTAB 2013) (citing *In re Lululemon Athletica Can. Inc.*, 2013 WL 326567, at *4 (TTAB 2013)). *See also In re Chung, Jeanne & Kim Co.*, 1985 WL 72090, at *4 (TTAB 1985) (the common practice in the trade to use a design as an ornamental feature is evidence that the design is

not unique or unusual in the field and that it will be viewed by the relevant public as ornamentation rather than as a trademark). Prominent ornamental use tends to be “more consistent with the conveying of an informational message than signifying a brand or an indicator of source.” *In re Hulting*, 2013 WL 5407310, at *3.

Applicant provided evidence of planners showing variations on the wording of its designation (e.g., DREAM PLAN DO or IF YOU CAN DREAM IT YOU CAN DO IT) displayed prominently on the covers of the planners in an ornamental non-trademark manner. Applicant’s use of DREAMDECIDE DO on its planner is similarly displayed in a prominent ornamental manner.

Applicant argues that its image search for “dream decide do” on planners rebuts the Examining Attorney’s evidence as there were “no other printed goods either ornamentally displaying or marketed under the name DREAM DECIDE DO.” 6 TTABVUE 11.

Although the planner image evidence provided by Applicant does not contain the exact phrase DREAM DECIDE DO, it is still probative as it “is part of the environment in which the [proposed mark] is perceived by the public and . . . may influence how the [proposed mark] is perceived.” *D.C. One Wholesaler Inc. v. Chien*, 2016 WL 7010638, at *7 (quoting *In re Hulting*, 2013 WL 5407310, at *2; *In re Tilcon Warren Inc.*, 1984 WL 63083, at *2 (TTAB 1984)). Therefore, ornamental use of phrases on planners by third-parties, or variants of the designation, while not determinative, is relevant to the determination of whether DREAM DECIDE DO functions as a mark. See *In re Tilcon Warren, Inc.*, 1984 WL 63083, at *2 (although

not determinative, “the location here [use of the mark on the bumpers of the construction vehicles] is part of the environment in which the phrase is perceived by the public”).

Also pertinent is the nature of the message conveyed by the designation.

Matter may be merely informational and fail to function as a trademark if it is a common term or phrase that consumers of the goods or services identified in the application are accustomed to seeing used by various sources to convey ordinary, familiar, or generally understood concepts or sentiments. Such widely used messages will be understood as merely conveying the ordinary concept or sentiment normally associated with them, rather than serving any source-indicating function.

In re Lizzo LLC, 2023 WL 1507238, at *4 (TTAB 2023) (quoting *In re Brunetti*, 2022 WL 3644733, at *7 (TTAB 2022)).

See also In re Texas With Love, 2020 WL 6689657, at *8 (“[W]idespread use of a term or phrase may be enough to render it incapable of functioning as a trademark, regardless of the type of message.”); *In re Manco Inc.*, 1992 WL 368706, at *5 (TTAB 1992) (finding THINK GREEN is not an indicator of source but “broadly conveys the ecological concerns of the expanding environmental movement” and this message “would be impressed upon purchasers and prospective customers for applicant’s goods”); *In re Remington Prods. Inc.*, 1987 WL 124304, at *2 (TTAB 1987) (PROUDLY MADE IN USA not registrable for electric shavers because it would be perceived as expressing a preference for American-made products rather than as a source identifier).

We find that the third-party usage examples provided by the Examining Attorney show that people are exposed to the ordinary meaning of the phrase DREAM

DECIDE DO in everyday life and from different sources to promote the same message and ideas as Applicant. The evidence shows common usage of the phrase in connection with dream/goal setting and dream/goal achievement. DREAM DECIDE DO is simply an informational message about the steps to take to turn your dreams into reality and achieve them; it informs as to the action plan: identify your dreams, commit to your dreams, take action to achieve your dreams. This common use by third parties of DREAM DECIDE DO and its variants, renders it less likely that the public would perceive the phrase as identifying a single commercial source. *In re Wal-Mart Stores, Inc.*, 2019 WL 193990, at *5.

As to Applicant's Google search result evidence for "dream decide do" which ranked Applicant as fourth, and the explanatory information provided by Applicant explaining how Google ranks website search results, we find this evidence is of limited probative value to show that the designation DREAM DECIDE DO functions as a mark. The search result and additional explanation of search ranking speaks less to the source-identifying significance of DREAM DECIDE DO and more to the successful efforts by Applicant to draw traffic to its webpage. Applicant's evidence does not support the premise that DREAM DECIDE DO functions as a mark simply because it appears higher within a list of Google search results. *See In re Consumer Protection Firm PLLC*, 2021 WL 825503, at *9 (TTAB 2021) ("We are not privy to GOOGLE's page ranking algorithm, and we cannot simply assume that the order of appearance in search results is an indicator of the trademark significance of Applicant's Proposed Mark[.]").

We find that consumers will not perceive the designation DREAM DECIDE DO as distinguishing Applicant's identified goods in commerce and indicating their source.

II. Conclusion

The record evidence establishes that consumers are accustomed to seeing the commonly expressed concept or sentiment DREAM DECIDE DO, and its variants, in an informational manner in the marketplace. As a result, consumers will not perceive DREAM DECIDE DO as applied to Applicant's goods as a source indicator pointing uniquely to Applicant. The wording DREAM DECIDE DO is a widely used informational message that fails to function as a trademark.

Decision: The Sections 1, 2, and 45 refusal to register Applicant's designation DREAM DECIDE DO is affirmed.