

This Opinion is Not a  
Precedent of the TTAB

Oral Hearing: May 13, 2025

Mailed: June 30, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

*In re Lifetime Brands, Inc.*

Serial No. 98012956

Taylor R. Mutell and John G. Tutunjian of Tutunjian & Bitetto, P.C.,  
for Lifetime Brands, Inc.

Marlene Bell, Trademark Examining Attorney, Law Office 118,  
Michael Baird, Managing Attorney.

Before Lykos, English and Myles,  
Administrative Trademark Judges.

Opinion by Lykos, Administrative Trademark Judge:

Lifetime Brands, Inc. (“Applicant”) seeks to register the proposed mark SNACKLEBOX in standard characters on the Principal Register for, as amended, “Cutting boards and attached serverware [sic], namely, serving platter with compartments sold together as a unit” in International Class 18.<sup>1</sup>

<sup>1</sup> Application Serial No. 98012956, filed May 25, 2023, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), alleging a bona fide intent to use the mark in commerce.

Page references to the application record are to the online database of the USPTO’s Trademark Status & Document Retrieval (“TSDR”) system in .pdf format. References to the briefs on appeal are to the Board’s TTABVUE docket system. *See, e.g., New Era Cap Co. v.*

The Trademark Examining Attorney refused registration on the ground that the mark is merely descriptive of Applicant's identified goods under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1). Following issuance of a final refusal, Applicant timely filed a notice of appeal. The appeal is fully briefed,<sup>2</sup> and an oral hearing was held on May 13, 2025. For the reasons set forth below, we affirm the refusal to register.

### I. Mere Descriptiveness Refusal— Applicable Law

Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), prohibits registration of a mark on the Principal Register that, when used in connection with an applicant's goods, is merely descriptive of them, unless the mark has acquired distinctiveness under Section 2(f) of the Act, 15 U.S.C. § 1051(f).<sup>3</sup> "A term is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used." *In re Chamber of Com. of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (quoting *In re Bayer AG*, 488 F.3d 960,

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*Pro Era, LLC*, 2020 USPQ2d 10596, at \*2 n.1 (TTAB 2020); *Turdin v. Trilobite, Ltd.*, 109 USPQ2d 1473, 1476 n.6 (TTAB 2014).

<sup>2</sup> On March 18, 2025, one day prior to filing its reply brief, Applicant filed a request for remand so that the Examining Attorney could consider new evidence from later-filed pending Application Serial No. 98322334 for the mark, SNACKLE BOX, for "Household containers for foods; Plastic household containers for food" in International Class 21. 7 TTABVUE. The Board denied the request for lack of good cause. 9 TTABVUE. Consistent with the Board's prior ruling, we sustain the Examining Attorney's objection to Applicant's submission with its main brief of portions of the prosecution record of Application Serial No. 98322334 on the ground of untimeliness. *See* Trademark Rule 2.142(d), 37 C.F.R. § 2.142(d). We hasten to add that even if we had considered Applicant's newly available evidence, it would not have altered our determination in this case.

<sup>3</sup> To be clear, Applicant has not claimed in the alternative that its mark has acquired distinctiveness under Trademark Act Section 2(f).

82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); *see also In re TriVita, Inc.*, 783 F.3d 872, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015); *Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 128 USPQ2d 1370, 1373 (Fed. Cir. 2018); *In re N.C. Lottery*, 866 F.3d 1363, 123 USPQ2d 1707, 1709 (Fed. Cir. 2017).<sup>4</sup> By contrast, a mark is suggestive if it “requires imagination, thought, and perception to arrive at the qualities or characteristics of the [goods or services].” *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987).

The determination of whether a mark is merely descriptive must be made in relation to the goods for which registration is sought, not in the abstract. *Chamber of Com.*, 102 USPQ2d at 1219; *Bayer*, 82 USPQ2d at 1831. This requires consideration of the context in which the mark is used or intended to be used in connection with those goods, and the possible significance that the mark would have to the average purchaser of the goods in the marketplace. *Chamber of Com.*, 102 USPQ2d at 1219; *Bayer*, 82 USPQ2d at 1831; *In re Omaha Nat’l Corp.*, 819 F.2d 1117, 2 USPQ2d 1859, 1861 (Fed. Cir. 1987). In other words, the question is not whether someone presented only with the mark could guess the goods listed in the identification, but rather

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<sup>4</sup> At one point in Applicant’s brief, Applicant argues that its proposed mark is not “highly descriptive.” Applicant’s Brief, p. 3; 4 TTABVue 5. This is the wrong standard. The inquiry as to whether a mark is highly descriptive applies in the context of determining whether a mark, which has already been found to be merely descriptive, has acquired distinctiveness under Trademark Act Section 2(f). *See Royal Crown Cola Co. v. Coca-Cola Co.*, 892 F.3d 1358, 127 USPQ2d 1041, 1048 (Fed. Cir. 2018) (“[t]he greater the degree of descriptiveness the term has, the heavier the burden to prove it has attained secondary meaning.”).

Applicant also at times argues in its brief that its mark is not generic. *See, e.g.*, Applicant’s Brief, p. 4; 4 TTABVue 6. The Examining Attorney merely advised Applicant during prosecution that its mark appeared to be generic, but did not formally issue any genericness refusal. *See* April 25, 2024 Office Action at TSDR 2.

whether someone who knows what the goods are will understand the mark to convey information about them. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012) (quoting *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)).

“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, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)). It is not necessary that a term describe all of the purposes, functions, characteristics, or features of a product or service to be considered merely descriptive; it is enough if the term describes one significant function, attribute, or property. *Chamber of Com.*, 102 USPQ2d at 1219 (citing *Dial-A-Mattress*, 57 USPQ2d at 1812).

“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 Zuma Array Ltd.*, 2022 USPQ2d 736, at \*6 (TTAB 2022) (quoting *In re Omniome, Inc.*, 2020 USPQ2d 3222, at \*4 (TTAB 2019)). “If each component retains its descriptive significance in relation to the goods, the combination results in a composite that is itself merely descriptive.” *Zuma Array*, 2022 USPQ2d 736, at \*6. Only where the combination of merely descriptive terms creates a unitary mark, or a mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods is the mark registrable as suggestive. *See Oppedahl & Larson*, 71 USPQ2d at 1372 (citing *In re Nat’l Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 750-51 (Fed. Cir. 1985));

*see also In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983) (same). *Compare In re Tennis in the Round Inc.*, 199 USPQ 496, 498 (TTAB 1978) (TENNIS IN THE ROUND held not merely descriptive for providing tennis facilities, the Board finding that the association of applicant's marks with the phrase "theater-in-the-round" created an incongruity because applicant's tennis facilities are not at all analogous to those used in a "theater-in-the-round") *with In re Mecca Grade Growers, LLC*, 125 USPQ2d 1950, 1955 (TTAB 2018) (MECHANICALLY FLOOR-MALTED merely descriptive of malt for brewing and distilling and processing of agricultural grain).

Evidence that a term is merely descriptive to the relevant purchasing public "may be obtained from any competent source, such as dictionaries, newspapers, or surveys," *Bayer*, 82 USPQ2d at 1831, as well as "labels, packages, or in advertising material directed to the goods." *In re Abcor Dev. Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978). It may also be obtained from websites and publications. *In re N.C. Lottery*, 866 F.3d 1363, 123 USPQ2d 1707, 1710 (Fed. Cir. 2017); *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1565 (Fed. Cir. 2001). In this particular case, the involved application was filed under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), meaning that Applicant has yet to claim use in the United States. Nonetheless, the Examining Attorney is not precluded from introducing or relying upon excerpts from Applicant's own materials, website, or news articles as evidence of public perception of the mark. *In re Promo Ink*, 78 USPQ2d 1301, 1303 (TTAB 2006) (examining attorney may introduce evidence that applicant's own literature supports descriptiveness of term despite the fact that application based on intent-to-

use under Trademark Act Section 1(b); fact that applicant has filed an intent-to-use application does not limit the examining attorney's evidentiary options or shield an applicant from producing evidence that it may have in its possession).

## II. Is Applicant's Mark Merely Descriptive of the Identified Goods?

Applicant argues that its mark SNACKLEBOX is suggestive because it is "a play on the words, 'snack' and 'tackle box', and does not immediately convey that applicant's goods feature a cutting board and a serving platter with compartments."<sup>5</sup> It posits that the juxtaposition of the two words "snackle" and "box" requires the consumer to engage in multi-step reasoning to ascertain the nature of the goods. Applicant contends that consumers encountering Applicant's proposed mark will need to engage in some degree of imagination, thought, or perception to conclude that "the mark vaguely suggests the goods may have some shared characteristics with a tackle box."<sup>6</sup>

The evidence of record belies Applicant's position. As explained below, the record unequivocally shows that the combination of the terms "snackle" and "box" to form the proposed mark SNACKLEBOX is neither incongruous nor unique, but instead immediately conveys to consumers a feature, function, or characteristic of the goods.

According to the online reference WIKTIONARY, the word "snackle" is defined as "a little snack" or "little tidbits of food."<sup>7</sup> The etymology of "snackle" is the diminutive

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<sup>5</sup> Applicant's Brief, p. 5; 4 TTABVUE 7.

<sup>6</sup> *Id.*

<sup>7</sup> January 27, 2024 Office Action at TSDR 5 (<https://en.wiktionary.org/wiki/snackle> accessed on 1/27/2024).

form of the word “snack.”<sup>8</sup> “Box,” when used as a noun, is defined as “a rigid typically rectangular container with or without a cover.”<sup>9</sup> Taken together, “snackle” serves as an adjective to modify “box,” thereby immediately informing consumers that Applicant’s box is designed for small snacks or tidbits of food. *See, e.g., In re Calphalon Corp.*, 122 USPQ2d 1153, 1164 (TTAB 2017) (finding nothing incongruous about the use of the word sharpen or its phonetic equivalent SHARPIN to describe the function of knife blocks with built-in sharpeners that automatically sharpen knives).

The articles submitted by the Examining Attorney confirm our finding that the term “snackle box” or “snacklebox” merely describes a box with compartments and a lid for transporting small sized snacks such as cheese, crackers, nuts, fruit, and candy. According to the articles, the idea originated from using a tackle box instead of a traditional container to carry snacks on-the-go. By way of illustration, the article entitled “How to Make a Charcuterie ‘Snacklebox’” posted on the Easy Home Meals website explains how homemade “snackleboxes” became a social media trend, and how to create your own:<sup>10</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> “Box.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/box>. Accessed 26 Jun. 2025. The Board takes judicial notice of this dictionary entry from the online version of THE MERRIAM-WEBSTER DICTIONARY. *See In re Cordua Rests. LP*, 110 USPQ2d 122, 1229 n.4 (TTAB 2014) (Board took judicial notice of the definitions of “churrasco” from English language dictionaries), *aff’d*, 823 F.3d 594, 118 USPQ2d 1632 (Fed. Cir. 2016); *In re White Jasmine LLC*, 106 USPQ2d 1385, 1392 n.23 (TTAB 2013) (Board may take judicial notice of online dictionaries that exist in printed format or have regular fixed editions).

<sup>10</sup> April 25, 2024 Office Action at TSDR 31 (<https://www.easyhomemeals.com> accessed on 4/25/205).

The “snacklebox” is all the rage on TikTok these days. But what is a “snacklebox” you may ask? Simply put: it’s a snack box using a tackle box. Think of it as charcuterie on-the-go! You can customize it any way you like – cheeses, meats, fruits, veggies, nuts, candies etc. The dividers in the tackle box make it the perfect container.

#### Supplies You’ll Need:

- A tackle box – any size you like!
- Cheeses of your choice – cracker cuts, chunks, cubes, string cheese and more
- Choice of deli meats ...

...

#### Prepping the Container:

- Make sure your tackle box is thoroughly washed and dried before filling.

### How to Make a Charcuterie “Snacklebox”



#### View Recent Food Hacks Tips

-  10 Ways to Reduce Food Waste
-  Frozen for the Future: Sustainable Eating Made Easy with Frozen & Refrigerated Foods
-  Turn Your Freezer into a Meal Solution Station
-  Why to Include Processed Foods in Your Shopping Cart

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#### Supplies You’ll Need:

- A tackle box – any size you like!
- Cheeses of your choice – cracker cuts, chunks, cubes, string cheese, and more



The Examining Attorney submitted several additional “do-it-yourself” articles, each explaining how to make snackle boxes from tackle boxes and offering suggestions on snacks to fill the boxes:

- An article dated June 10, 2022 entitled “What is a Snackle Box and How to Make One” posted on the Meggie Claire - Modern Homemaking Made Simple website:

“What is a Snackle Box you ask? Today, I am here to break it down for you and show you how to make one! ... A couple of weeks ago, my mom sent me a reel she saw on Instagram of a woman who had made a charcuterie board in a plastic tackle box. ... You need to make sure that the plastic the tackle box is made from is food safe! .. The fillings you put in your Snackle box are really up to you!”<sup>11</sup>

## WHAT IS A SNACKLE BOX AND HOW TO MAKE ONE

June 10, 2022 by [meggie](#) 5 Comments

Sharing is caring!

“What in the world is a Snackle Box?”, you ask? Today, I am here to break it down for you and show you how to make one! Get ready for a game changer!



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<sup>11</sup> August 8, 2024 Final Office Action at TSDR 18-27 ([www.meggieclaire.com](http://www.meggieclaire.com) accessed on 8/7/2024).

### WHAT SHOULD I PUT IN MY SNACKLE BOX?

The fillings you put in your Snackle box are really up to you! What do you and your family and friends like to eat when you are out on the beach, at the pool, on a boat, or at the park? Fill it with that! Here is what I filled mine with:



One reader posted the comment, “Definitely buying my very own snackle box right now. Time for a picnic.”<sup>12</sup>

- An article dated February 22, 2023 entitled “Snackle Boxes” posted on The Farm

Chicken website:

“Have you ever heard of snackle boxes? I think they are clever, and they work so well when traveling with kids. ... I feel like you can go so many different ways when putting together a snackle box, so I am going to focus on balance (nutritionally), type of travel and kid friendly options.”<sup>13</sup>

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<sup>12</sup> *Id.* at 26.

<sup>13</sup> August 8, 2024 Final Office Action at TSDR 29-39 (<https://thefarmchicken.com> accessed on 8/7/2024).

[Home](#) / [Homemaking](#) / [Snackle Boxes](#)

## Snackle Boxes

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< 147  
SHARES

Last Updated on February 22, 2023 by [TheFarmChicken](#)

Have you ever heard of snackle boxes? I think they are clever, and they work so well when traveling with kids. I have used them for flying with our kids, but I feel like they would be great for road trips or other excursions as well.

Just last week we got back from a trip to Florida. When trying to decide what would be a good thing to bring along to help the kids stay busy, I thought why not pick something that is both entertaining and will fill their tummies. Snackle boxes are just that. They are fun to put together, give a variety of snacks, and pack easily.

*This post may contain Amazon affiliate links; I make a small commission if you purchase through my links. This is no additional cost to you.*



HI THERE!  
*Am Mariah*  
[f](#) [p](#) [@](#)

Welcome to **TheFarmChicken**. My name is Mariah, I am a wife and mother living on a farm in the middle of ND...wait, the middle of nowhere? Either way you look at it, it's kind of the same thing. Some people would think "Yuck" but let me tell you, living out here is a dream come true and a prairie paradise. As I write this I am sitting in one of my favorite spots with a view that goes on for miles. I

### More Ideas for your Snackle Boxes...

1. Mini Oreos
2. Mini Nutter Butters
3. Mini Chips Ahoy
4. Goldfish
5. Chex Mix
6. Muddy Buddies (Puppy Chow)
7. Cheez-Its
8. Teddy Grahams
9. Beef Jerky
10. Yogurt Raisins
11. Cheerios
12. Raisins
13. Freeze Dried Strawberries
14. Dried Apricots
15. Dried Pineapple
16. Banana Chips
17. Craisins
18. Dried Apples
19. Dates
20. Popcorn



- An article dated December 11, 2021 “What You Need is a Snackle Box” by Claire

Lower posted on the LIFEHACKER website:

“I certainly did not invent the snackle box but I am a fan. ... A tackle box (which is what you call a snackle box before you put any snacks in it) is a great snack transportation system for a couple of reasons: It keeps your various little foods neat and organized, while keeping your more delicate snacks from being crushed. ... What should you pack in your snackle box? Snacks of course.”<sup>14</sup>



<sup>14</sup> August 8, 2024 Final Office Action at TSDR 42-43 (<https://lifehacker.com> accessed on 8/7/2024).



• An article entitled “How to Make a Snackle Box Traveling Charcuterie Board” from the Ice Cream & Neon Dreams website: “Snackle boxes are officially one of the best things I’ve seen on Tik Tok. I had to try this viral trend of making a charcuterie board in a tackle box.”<sup>15</sup>

HOW TO MAKE A SNACKLE BOX TRAVELING CHARCUTERIE BOARD!

HOW TO MAKE A TRAVELING CHARCUTERIE BOARD 'SNACKLE BOX'



Applicant asserts that its “goods include more than simply a snack box” because they “also include a completely different element,” “a cutting board that acts as a lid and also where snacks can be cut and served on.”<sup>16</sup> The description and photos of do-it-yourself “snackleboxes” reprinted above are remarkably similar to Applicant’s “[c]utting boards and attached serverware [sic], namely, serving platter with compartments sold together as a unit.” In Applicant’s own words, “the goods include

<sup>15</sup> August 8, 2024 Final Office Action at TSDR 50-51(<https://icecreamandneondreams.com>).

<sup>16</sup> Applicant’s Brief, p. 4; 4 TTABVUE 6.

a snack box with different compartments.”<sup>17</sup> Applicant’s product’s “Use and Care Guide” show a compartmentalized “dishwasher safe” serving platter with compartments for small food items with a bamboo cutting board also serving as an “easy snap” lid forming a box:



<sup>17</sup> March 19, 2024 Response to Office Action at TSDR 1. (Applicant’s Response to the Examining Attorney’s Information Request pursuant to Trademark Rule 2.61(b)).

The record also includes an article dated March 13, 2024 about Applicant's goods entitled "Lifetime Brands' Faberware Build-A-Board, SnackleBox Makes Food Portability Fun" posted on the Homepage News website.<sup>18</sup> The article touts Applicant's identified goods as "ideal for the active lifestyle," and describes the goods as

a dishwasher safe container with a plastic base, convenient handles and multiple compartments for storing a variety of edibles. The base comes complete with a cutting board, available in bamboo or plastic, and it doubles as a secure cover, locking in place for easy transport.<sup>19</sup>

This evidence makes clear that Applicant's goods share key characteristics with "snackleboxes" insofar as they each are comprised of compartmentalized boxes for easy transport of a myriad of snacks with a lid. This do-it-yourself foodie hack has become so widespread that it is no surprise that Applicant seeks to monopolize "snackle box" to designate its own commercial version of a divided food tray with recessed compartmentalized wells for small-sized edibles that can be easily transported without spilling.<sup>20</sup> Applicant innovated this idea to the extent that its cutting board lid serves multiple functions. But this does not take away from the fact that Applicant's goods are indeed "snackleboxes."

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<sup>18</sup> August 8, 2024 Final Office Action at TSDR 6-8 (<https://www.homepagenews.com> accessed on 8/7/2024).

<sup>19</sup> *Id.* at 7.

<sup>20</sup> As an aside, a competitive need to use a phrase is probative but not required to finding that a phrase is merely descriptive. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 15011, 1514 (TTAB 2016) ("Under the current standard, there is no requirement that the Examining Attorney prove that others have used the mark at issue or that they need to use it, although such proof would be highly relevant to an analysis under Section 2(e)(1).").

Applicant criticizes the “informal how to articles” submitted by the Examining Attorney as failing to “show that the Applicant’s mark is merely descriptive, instead [they] show[ ] that the mark may be a commonly used term.”<sup>21</sup> Applicant’s argument misses the point. “Modern-day usage” by consumers in fact carries significant weight in determining whether a proposed mark is merely descriptive. *See In re Well Living Lab Inc.*, 122 USPQ2d 1777, 1781 (TTAB 2017) (finding “modern-day usage” of “well-living” more significant than dictionary definition). Vocabulary in the social media space evolves rapidly. *Cf. In re Styleclick.com Inc.*, 57 USPQ2d 1445, 1448 (TTAB 2000) (noting “a year or two is an eternity in ‘Internet time,’ given the rapid advancement of the Internet into every facet of daily life”). The origin of the term “snackle box” is a clever play on the words “snack” and “tackle box.” But that does not remove its descriptive significance. The evidence discussed above shows that “snackle box” has entered the U.S. lexicon to denote a divided box with recessed compartmentalized wells for small-sized snacks or edibles with a lid that can be easily transported without spillage.<sup>22</sup>

**Decision:** The mere descriptiveness refusal under Section 2(e)(1) is affirmed.

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<sup>21</sup> Applicant’s Brief, p. 3; 4 TTABVue 5.

<sup>22</sup> In making our determination, we have not relied on the Examining Attorney’s search results from the online retailer Amazon for “snackle box charcuterie container” as evidence of competitor use because for the majority of results, we are unable to ascertain the manufacturer. *See* April 25, 2024 Office Action at TSDR 13-28. “Web-based information that includes greater context for the use of a term, such as a complete webpage, will have greater probative value in determining how a term will be perceived.” *In re Wal-Mart Stores, Inc.*, 129 USPQ2d 1148, 1156 n.38 (TTAB 2019).