

This Opinion is not a
Precedent of the TTAB

Mailed: September 19, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Circadia by Dr. Pugliese, Inc.
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Serial No. 98199631
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Joseph R. Falcon III of Barley Snyder,
for Circadia by Dr. Pugliese, Inc.

Elaine Xu, Trademark Examining Attorney, Law Office 128,
Colleen Cassidy, Managing Attorney.

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Before Goodman, English and Bradley,
Administrative Trademark Judges.

Opinion by Goodman, Administrative Trademark Judge:

Circadia by Dr. Pugliese, Inc. (“Applicant”) seeks registration on the Principal Register of the mark RADIANCE (in standard characters) for “Professional non-medicated skincare products in the nature of cosmetics” in International Class 3.¹

¹ Application Serial No. 98199631 was filed on September 27, 2023, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), alleging August 24, 2018 as the date of first use and first use in commerce. The application had been initially approved for publication but approval was withdrawn with a non-final action issued refusing registration. August 24, 2024 Office Action.

The Trademark Examining Attorney has refused registration of Applicant's mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark is likely to cause confusion with the mark RADIANCE (typeset) for "Hair care, personal care preparations, namely, body washes, hair shampoo and conditioner" in International Class 3.²

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.

I. Likelihood of Confusion

Section 2(d) of the Trademark Act prohibits registration of a mark that so resembles a registered mark as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion, or to cause mistake, or to deceive. 15 U.S.C. § 1052(d). Our determination of likelihood of confusion under Section 2(d) is based on an analysis of all probative facts in the record that are relevant to the likelihood of confusion factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) ("*DuPont*"). See also *In re Majestic*

Page references to the application record are to the online database of the USPTO's Trademark Status & Document Retrieval (TSDR) system. References to the briefs on appeal refer to the Board's TTABVUE docket system.

Applicant's brief is at 6 TTABVUE; the Examining Attorney's brief is at 8 TTABVUE.

² Registration No. 3011961, issued November 1, 2005, and renewed. A typeset mark is the legal equivalent of a standard character mark. *In re Viterra, Inc.*, 671 F.3d 1358, 1363, n.2 (Fed. Cir. 2012).

Distilling Co., 315 F.3d 1311, 1315 (Fed. Cir. 2003). We consider each *DuPont* factor for which there is evidence and argument. *See, e.g., In re Guild Mortg. Co.*, 912 F.3d 1376, 1379 (Fed. Cir. 2019); *In re Country Oven, Inc.*, Ser. No. 87354443, 2019 TTAB LEXIS 381, at *2 (TTAB 2019).

In every Section 2(d) case, two key factors are the similarity or dissimilarity of the marks and the goods or services. *See In re i.am.symbolic, llc*, 866 F.3d 1315, 1322 (Fed. Cir. 2017) (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”). These factors, and others, are discussed below.

A. Similarity or Dissimilarity of the Marks

Under the first *DuPont* factor, we consider the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1371 (Fed. Cir. 2005) (citing *DuPont*, 476 F.2d at 1361). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re Davia*, Ser. No. 85497617, 2014 TTAB LEXIS 214, at *4 (TTAB 2014).

Applicant’s mark is RADIANCE and Registrant’s mark is RADIANCE.

“Applicant acknowledges the marks’ identical appearance and phonetic similarity.” 6 TTABVue 6. However, Applicant argues that the marks have different

connotations and commercial impressions because they are used in connection with different products. 6 TTABVUE 7.

Applicant submits that its mark “conveys skin vitality, rejuvenation, and clinical efficacy, resonating with professionals and clients seeking transformative dermatological results.” 6 TTABVUE 7-8. In particular, Applicant submits that its mark conveys “attributes of healthy skin glow, rejuvenation, and clinical vitality, evoking the transformative outcomes of dermatological [skin] treatments administered by licensed professionals” in a clinical or spa setting. *Id.* at 15.

Applicant argues that Registrant’s mark has a different commercial impression of “hair shine and cleanliness, a common attribute in retail shampoos marketed to everyday consumers.” *Id.* at 8. In particular, Applicant submits that Registrant’s mark in connection with shampoo, conditioners and washes “implies attributes of shiny, clean, or lustrous hair, a common marketing trope in retail haircare products aimed at enhancing hair’s aesthetic appeal through daily hygiene.” *Id.* at 15. Applicant argues that “psychological impressions of ‘RADIANCE’ across skincare and haircare” are distinct and that its mark connotes a “luxurious clinical impression” while Registrant’s mark connotes an “everyday, utilitarian impression.” *Id.* at 16, 17. Applicant argues that “these divergent connotations stem from the natural expectations of consumers based on the product category and purchasing environment,” citing Board cases. 6 TTABVUE 7, 15, 16.

We are not persuaded by Applicant’s arguments that the marks convey different commercial impressions based on differences in the identified goods, one being for

skincare and one for general hygiene. The relevant dictionary definition for radiance is “the quality or state of being radiant.” Radiant is defined as “vividly bright and shining : glowing.”³ Both goods could convey very similar connotations, vitality (i.e., glowing skin or shiny hair) when applied to the respective goods, whether directed to the professional or the general consumer. In view of the foregoing, we find that the marks are identical in sound, appearance, meaning and commercial impression.

The first *DuPont* factor favors a finding of likelihood of confusion.

B. Strength

The sixth *DuPont* factor, “[t]he number and nature of similar marks in use on similar goods [or services],” *DuPont*, 476 F.2d at 1361, “is a measure of the extent to which other marks weaken the assessed mark.” *Spireon Inc. v. Flex Ltd.*, 71 F.4th 1355, 1362 (Fed. Cir. 2023) (citing *Palm Bay Imps.*, 396 F.3d at 1373). There are two types of strength: conceptual and commercial. *Id.* (citing *In re Chippendales USA, Inc.*, 622 F.3d 1346, 1353-54 (Fed. Cir. 2010)). The strength of the cited mark affects the scope of protection to which a mark is entitled. *Bell’s Brewery, Inc. v. Innovation Brewing*, Opp. No. 91215896, 2017 TTAB LEXIS 452, at *20 (TTAB 2017).

The cited mark is registered on the Principal Register without a claim of acquired distinctiveness and is treated as inherently distinctive. *See New Era Cap Co. v. Pro*

³ MERRIAM-WEBSTER dictionary (merriam-webster.com, accessed September 12, 2025). We may take judicial notice of online dictionary definitions which exist in printed form at or have regular fixed editions. *See Univ. of Norte Dame du Lac v. J.C. Gourmet Food Imps. Co. Inc.*, Ser. No. 91061847, 1982 TTAB LEXIS 146, at *7 (TTAB 1982), *aff’d*, 703 F.2d 1372 (Fed. Cir. 1983) and *In re Red Bull GmbH*, Ser. No. 75788830, 2006 TTAB LEXIS 136, at *7-8 (TTAB 2006).

Era, LLC, Opp. No. 91216455, 2020 TTAB LEXIS 199, at *29 (TTAB 2020) (“Opposer’s mark is inherently distinctive as evidenced by its registration on the Principal Register without a claim of acquired distinctiveness under Section 2(f) of the Trademark Act.”).

Applicant argues that RADIANCE is a descriptive or suggestive term in personal care “evoking brightness or vitality” and entitled to a weaker scope of protection. 6 TTABVue 18. Although Applicant did not submit any evidence to support its argument, we can consider the conceptual strength based on the nature of the mark itself and based on the dictionary definition of RADIANCE, mentioned supra. See *Quiktrip W., Inc. v. Weigel Stores, Inc.*, 984 F.3d 1031, 1035 (Fed. Cir. 2021) (dictionary definition can be used in connection with considering conceptual strength or weakness of a term or mark); *In re FabFitFun, Inc.*, Ser. No. 86847381, 2018 TTAB LEXIS 297, at *15 (TTAB 2018) (considering dictionary definition of “smoking hot” as evidence of weakness of the term “smokin hot”).

We find that RADIANCE is suggestive of the desired result of Registrant’s goods. There is no evidence of commercial weakness in the record. Accordingly, Registrant’s mark is entitled to the normal scope of protection of an inherently distinctive mark. *In re Great Lakes Canning, Inc.*, Ser. No. 73365360, 1985 TTAB LEXIS 75, at *7 (TTAB 1985) (“the fact that a mark may be somewhat suggestive does not mean that it is a ‘weak’ mark entitled to a limited scope of protection.”).

This *DuPont* factor is neutral.

C. Similarity or Dissimilarity of the Goods

We consider “[t]he similarity or dissimilarity and nature of the goods as described in an application or registration.” *DuPont*, 476 F.2d at 1361. In determining this factor, we must focus on the goods as they are identified in the involved application and the cited registration. See *In re i.am.symbolic, llc*, 866 F.3d at 1327; *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267 (Fed. Cir. 2002); *Octocom Sys., Inc. v. Houston Comp. Servs. Inc.*, 918 F.2d 937, 942 (Fed. Cir. 1990). It is sufficient for a finding of likelihood of confusion if relatedness is established for any item encompassed by the identification of goods within a particular class in the application or registration. See *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 1336 (CCPA 1981). Furthermore, because the marks are identical, the degree of similarity between the goods that is required to support a finding of likelihood of confusion is reduced. *In re Shell Oil Co.*, 992 F.2d 1204, 1207 (Fed. Cir. 1993); *Time Warner Entm’t Co. L.P. v. Jones*, Opp. No. 91112409, 2002 TTAB LEXIS 462, at *29-30 (TTAB 2002).

Evidence of relatedness might include news articles and/or evidence from computer databases showing that the relevant goods are used together or used by the same purchasers; advertisements showing that the relevant goods are advertised together or sold by the same manufacturer or dealer; and/or copies of prior use-based registrations of the same mark for both an applicant’s goods (or similar goods) and the goods (or similar goods) listed in the cited registration. See *In re Country Oven, Inc.*, 2019 TTAB LEXIS 381, at *5.

Evidence that “a single company sells the goods ... of both parties, if presented, is relevant to a relatedness analysis.” *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1267; *see also In re Embiid*, Ser. No. 88202890, 2021 TTAB LEXIS 168, at *39 (TTAB 2021) (evidence of third-parties offering goods of both applicant and registrant pertinent to relatedness of the goods). Internet website evidence may be probative of relatedness. *Made in Nature, LLC v. Pharmavite, LLC*, Opp. No. 91223352, 2022 TTAB LEXIS 228, at *55-57 (TTAB 2022) (third-party websites promoting sale of both parties’ goods showed relatedness); *In re C.H. Hanson Co.*, Ser. No. 77983232, 2015 TTAB LEXIS 357, at *14-16 (TTAB 2015) (relatedness found where internet evidence demonstrated goods commonly emanated from the same source under a single mark).

To reiterate, Applicant’s goods are “professional non-medicated skincare products in the nature of cosmetics” and Registrant’s goods are “hair care, personal care, namely, body washes, hair shampoo and conditioner.”

Applicant contends that confusion is unlikely because Applicant’s and Registrant’s goods differ significantly in function or purpose and the “fundamental divergence in product purpose ... eliminates any reasonable likelihood of confusion.”⁴ 6 TTABVUE 7, 12. Applicant asserts that “its products are designed for use in professional treatment rooms or prescribed regimens, not for casual consumer purchase” and argues that its goods are for “skincare (dermatological treatment)”

⁴ Applicant did not submit evidence to support this argument. Attorney argument is not evidence. *Enzo Biochem, Inc. v. Gen-Probe Inc.*, 424 F.3d 1276, 1284 (Fed. Cir. 2005).

which is distinct in purpose from Registrant's consumer-grade goods which are for general hygiene. *Id.* at 7, 12, 13.

The Examining Attorney provided evidence from specialty retailer websites showing the offering of skin care products and body wash products: Sephora (offering goods from various brands including hair, makeup, skincare, bath and body and fragrance goods), Barbara Sturm (offering skincare and body care), Aveda (offering goods that include body care and skincare), LovelySkin (offering makeup, hair, body products), Dermstore (offering beauty products and skincare goods), Ulta Beauty (offering beauty products including skincare and body care).⁵ For example, the Sephora website shows various brands offering skincare goods and body wash under the same mark: "Sol De Janeiro," (body wash, body cream) "Drunk Elephant," (body cleanser, polypeptide firming goods, body lotion) "Mario Badescu" (rose body soap, eye cream, and night cream), "Kosas," (body wash, spray-on serum, and collagen), "Fresh" (body cleanser, face cleanser, body lotion, anti-aging moisturizer, and night cream), and "Youth to the People" (body cleanser, body butter, eye cream, and moisture cream). Dr. Barbara Sturm offers body wash, hand cream, body cream, and anti-aging cream under the same mark; LovelySkin, under the "Augustinus Bader" mark, offers body cleanser, face cream, serum, and eye cream; Aveda offers body wash, moisturizing cream, and hydrating cream under the same mark; and Dermalogica offers body wash and moisturizer under the same mark. The Examining

⁵ March 14, 2025 Request for Reconsideration at TSDR 2-27; December 1, 2024 Office Action at TSDR 2-9; August 24, 2024 Office Action at TSDR 2-8. The Examining Attorney also provided one example from a general retailer, Target.

Attorney also provided numerous webpages from the Ulta Beauty website, another retailer offering goods from various brands, showing the offering of body wash and skincare goods under the same mark.⁶ The Examining Attorney's internet evidence shows a range of prices for the skincare goods with the lowest at \$9 and the highest at \$470, with most goods priced at more than \$20.⁷

The webpage evidence establishes that the same entity commonly manufactures, produces, or provides the goods (body wash and skincare products) and that skincare goods and body wash may emanate from a common source.

Applicant argues that the Examining Attorney has failed to provide marketplace evidence of the goods' relatedness.⁸ 6 TTABVue 8, 12. Applicant also argues that its

⁶ L'Occitane (e.g., shower gel, body lotion, and body moisturizer), Jack Black (hair/body wash, face moisturizer), Dior (shower wash, capture cream, rich cream, intensive essence lotion) Murad (body wash, retinol), Oak Essentials (body wash, serum, moisture rich balm), Naturium (body wash, moisturizer, serum), Elemis (body wash, night cream), Kopari Beauty (body wash, eye cream), OSEA (body wash, night cream), Kiehls (body wash, facial cream), Byoma (body wash, moisturizer, serum).

⁷ Prices for the body cleansing and skincare goods include the following: December 1, 2024 Office Action p. 2 body wash (\$70) p. 3, night cream (\$110), anti-aging cream (\$360); serum, (\$470), super anti-aging neck cream (\$178); super anti-aging eye cream (\$225), p. 4 shower gel (\$9, \$24, \$28, \$36, \$38, \$56, \$58), p. 5 eye cream \$20, p.6 bodywash (\$22), p.7 serum (\$20), p.8 body cleanser (\$35) p. 9 face serum (\$62), eye cream (\$47), body lotion (\$42), facial cream (\$39-\$118); August 24, 2024 Office Action p. 3 body cleanser (\$38), p. 4 moisture cream (\$48), serum (\$38), p. 5 body wash (\$26), p. 6 cream (\$48), p. 7 body cleanser (\$24), p. 8 polypeptide cream (\$48); March 14, 2025 Request for Reconsideration p. 11 body wash (\$42), p. 12 night cream (\$94), p. 13 body wash (\$20), p.16 night cream (\$68), p. 17 body wash (\$25), p. 19 body wash (\$36), p. 20 smoothing cream (\$77), p. 21 body cleanser (\$56), p. 22 antiaging cream (\$190).

⁸ Applicant argues that the Examining Attorney did not provide overlapping marketing materials or consumer surveys. 6 TTABVue 17. Aside from the fact that the limited resources of the Office obviously constrain an Examining Attorney's ability to acquire survey evidence, neither the Board nor our primary reviewing court has required survey evidence in order to show a likelihood of confusion. *Midwestern Pet Foods, Inc. v. Societe Des Produits Nestle S.A.*, 685 F.3d 1046, 1054 (Fed. Cir. 2012). As to marketing materials, we are reminded that our focus is on the identifications in the application and registration and not on real-world conditions. *Stone Lion Cap. Partners, L.P. v. Lion Cap. LLP*, 746 F.3d 1317, 1323 (Fed.

goods are “used by trained professionals to address specific skin concerns ... in a controlled clinical environment.” 6 TTABVUE 6. Applicant further argues its products are “specialized” and “serve a niche market of licensed professionals and their clients, who seek targeted dermatological treatments in clinical settings” while registrant’s products are “consumer-grade” and marketed to the “general public for routine personal hygiene.” 6 TTABVUE 7, 12.

Although Applicant’s goods are tailored for professional use, Registrant’s goods are not limited in any way and are broad enough to include goods directed to professionals and non-professionals. *In re Hughes Furniture Indus. Inc.*, Ser. No. 85627379, 2015 TTAB LEXIS 65, at *10 (TTAB 2015) (“applicant’s broadly worded identification of ‘furniture’ necessarily encompasses Registrant’s narrowly identified ‘residential and commercial furniture.’”). Additionally, despite the limitation in Applicant’s goods as being for professional use, licensed professionals and their clients could still encounter and purchase Registrant’s goods. Those familiar with Applicant’s skincare goods may believe upon seeing the goods on related bodywash products in the general marketplace that the goods emanate from the same source, even if they thought that one set of products was designed for the professional market and one for the general consumer market.

We find the goods related. The second *DuPont* factor favors a finding of likelihood of confusion.

Cir. 2014) (“It was proper, however, for the Board to focus on the application and registrations rather than on real-world conditions”).

D. Trade Channels, Consumers and Conditions of Sale

We consider the “similarity or dissimilarity of established, likely-to-continue trade channels,” and “[t]he conditions under which and buyers to whom sales are made, i.e. ‘impulse’ vs. careful, sophisticated purchasing” for Applicant’s and Registrant’s goods. *DuPont*, 476 F.2d at 1361.

In determining these factors, we must focus on the goods as they are identified in the involved application and the cited registration. *See Octocom Sys.*, 918 F.2d at 942.

As to the trade channels, Applicant argues that the Examining Attorney has failed to provide marketplace evidence of overlapping trade channels. 6 TTABVUE 8. Applicant submits that it offers its goods in a “niche market distinct from retail.” *Id.* at 7, 12. Applicant asserts that its skin care products have a “tightly controlled distribution model” and are sold exclusively through professional distributors to licensed professionals for clinical use namely, estheticians and dermatologists and specialized skin care clinics.⁹ *Id.* at 7, 13.

Applicant argues that Registrant’s goods are broadly available and “marketed through mass retail channels, including drugstores, supermarkets, and e-commerce platforms like Amazon.” 6 TTABVUE 7, 12. Applicant asserts that this “broad retail availability targets the general public, who purchase these products for routine hair hygiene without professional guidance.” *Id.* at 13. Applicant contends that the “distinct commercial environments further amplify these differences,” specifically,

⁹ Applicant did not submit evidence to support its trade channels argument. Attorney argument is not evidence. *Enzo Biochem*, 424 F.3d at 1284.

consumers encounter Applicant's goods in a professional setting (consultation with a dermatologist or esthetician or skin care clinic) while consumers will encounter Registrant's goods at a drugstore or online. *Id.* at 13, 16. Applicant submits that the "professional clinical settings versus general retail—eliminates any overlap in the purchasing environment." *Id.* at 13.

However, the identifications in Applicant's application and the cited registration have no trade channel limitations. In the absence of specific limitations in the identifications, "the goods are presumed to travel in all normal channels and to all prospective purchasers for the relevant goods." *Coach Services, Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1370 (Fed. Cir. 2012).

The Examining Attorney's internet evidence may reflect the trade channel of specialty retailers for Registrant's body wash and skincare goods directed to the general consumer; however, we have no evidence in the record as to the normal trade channels for Applicant's professional skincare goods that presumably are directed exclusively to professionals such as dermatologists or estheticians or clinicians.

As to conditions of sale, purchaser sophistication or degree of care may tend to minimize likelihood of confusion. *Palm Bay Imps.*, 396 F.3d at 1376. Conversely, impulse purchases of inexpensive items may tend to have the opposite effect. *Id.* We must make our determination based on the least sophisticated consumer. *Stone Lion*, 746 F.3d at 1325.

Applicant asserts that its customer base is "licensed estheticians, dermatologists, and their clients" and that as professional purchasers they evaluate products with

precision “based on clinical efficacy, ingredient profiles, and suitability for specific skin conditions.” *Id.* at 17, 18. Applicant contrasts this with the general consumer purchasing Registrant’s haircare products, which it asserts are the result of “quick, price-driven decisions.” *Id.* at 17.

Applicant argues that Applicant’s clientele, “engage in deliberate, informed purchasing decisions” and there is a “sophisticated purchasing process for Applicant’s products, involving professional consultation” and training, that “further reduces confusion risk.” *Id.* at 8, 16, 17. Applicant asserts that “the specialized nature of Applicant’s skincare products, coupled with their exclusive professional distribution, ensures that consumers—typically estheticians or dermatologists making informed purchasing decisions—will not confuse them with retail haircare products.” *Id.* at 7. Applicant contrasts the “distinct commercial environments” for Applicant’s and Registrant’s goods: consumers encounter Applicant’s goods in a professional setting “where products are recommended by estheticians or dermatologists after a consultation” while Registrant’s goods are encountered in a retail setting such as at a drugstore or online. *Id.* at 16.

However, Applicant has not submitted any evidence to support its argument regarding careful purchasers.¹⁰ Attorney argument is not evidence. Moreover, even assuming purchasers of Applicant’s goods are sophisticated, this does not necessarily mean that they are immune to source confusion. It is well-settled that even careful

¹⁰ The Examining Attorney’s evidence does reflect that the consumer skincare items offered by specialty retailers are not low cost impulse items.

or sophisticated purchasers who are knowledgeable as to the goods are not necessarily knowledgeable in the field of trademarks or immune to source confusion arising from the use of confusingly similar marks on or in connection with related goods. *In re Research & Trading Corp.*, 793 F.2d 1276, 1279 (Fed. Cir. 1986).

The trade channels and conditions of sale are neutral.

E. Actual Confusion

The eighth *DuPont* factor considers the “length of time during and conditions under which there has been concurrent use without evidence of actual confusion.” *DuPont*, 476 F.2d at 1361.

Applicant argues that “no evidence of actual confusion has emerged since Applicant’s use of RADIANCE began in 2023, despite significant market presence through professional skincare channels.” 6 TTABVUE 8, 17.

However, this is attorney argument. There is no evidence concerning Registrant’s or Applicant’s use of their respective marks.

Therefore, we cannot determine that there has been a meaningful opportunity for actual confusion to occur in the marketplace. *In re Kangaroos U.S.A.*, Ser. No. 73319021, 1984 TTAB LEXIS 77, at *6-7 (TTAB 1984). We find this *DuPont* factor neutral.

II. Conclusion

The final step is to weigh the *DuPont* factors for which there is evidence and argument. *In re Charger Ventures LLC*, 64 F.4th 1375, 1384 (Fed. Cir. 2023). The marks are identical, which weighs heavily in favor of likelihood of confusion. The

goods are related which also weighs in favor of likelihood of confusion. The third, fourth, sixth and eighth *DuPont* factors are neutral and weigh neither for or against likelihood of confusion.

In view of the identical marks and related goods, we find that confusion is likely.

Decision: The Section 2(d) refusal to register Applicant's mark RADIANCE is affirmed.