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14972.0221US

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/841557

MARK: MASTER PLUMBER



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GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

TTAB INFORMATION:

<http://www.uspto.gov/web/offices/dcom/ttab/index.html>

APPLICANT: True Value Company

CORRESPONDENT'S REFERENCE/DOCKET NO:

14972.0221US

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EXAMINING ATTORNEY'S APPEAL BRIEF

STATEMENT OF THE CASE

Applicant has appealed the Trademark Examining Attorney's final refusal to register the trademark MASTER PLUMBER for "Ventilating ducts of metal, namely, dryer vents" in International Class 06, "Plastic hoses for plumbing use, namely, washer hoses; plastic tubes for plumbing use, namely, plastic tubing for sink and washer discharge" in International Class 17, and "Non-metal ventilating ducts, namely, dryer vents" in International Class 19 on the ground that the mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1). It is respectfully requested that the refusal be affirmed.

STATEMENT OF FACTS

Applicant filed the instant application on March 20, 2006, to register the mark MASTER PLUMBER for “Washer hoses; dryer vents; plastic tubing” in International Class 17.

In the first office action dated September 5, 2006, registration was refused under §2(e)(1) on the ground that the mark merely describes the intended user of the goods identified in the application. Additionally, the examining attorney required the applicant to amend the identification and classification of the goods.

On March 5, 2007, the applicant responded by arguing against the refusal to register under §2(e)(1) as being merely descriptive. The applicant also provided a claim of ownership and an amended identification and classification of goods.

On April 13, 2007, the refusal to register under §2(e)(1) was maintained and made FINAL.

On October 1, 2007, the applicant submitted a request for reconsideration and, again, argued against the refusal to register the mark under §2(e)(1).

On November 15, 2007, the request for reconsideration was denied and the refusal to register under §2(e)(1) was maintained and continued.

On January 24, 2008, the applicant filed its appeal brief and the file was forwarded to the examining attorney for statement on January 26, 2008.

ISSUE

The issue on appeal is whether the mark, when used in connection with the identified goods, is merely descriptive under Trademark Act Section §2(e)(1), 15 U.S.C. §1052(e)(1).

ARGUMENTS

THE APPLICANT'S MARK IS MERELY DESCRIPTIVE WITHIN THE MEANING OF SECTION 2(e)(1) OF THE TRADEMARK ACT

A mark is merely descriptive under Section 2(e)(1) if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b). A mark that describes an intended user of a product or service is also merely descriptive within the meaning of Section 2(e)(1). *See Hunter Publ'g Co. v. Caulfield Publ'g, Ltd.*, 1 USPQ2d 1996 (TTAB 1986); *In re Camel Mfg. Co.*, 222 USPQ 1031 (TTAB 1984).

For the purpose of a Section 2(e)(1) analysis, a term need not describe all of the purposes, functions, characteristics or features of the goods and/or services to be merely descriptive. *In re Dial-a-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 U.S.P.Q.2d 1807 (Fed. Cir. 2001). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (“[A] mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods or services.”) (quoting *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)).

Moreover, the determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (CCPA 1978); *see, e.g., In re Polo Int’l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (CONCURRENT PC-DOS found merely descriptive of “computer programs recorded on disk” where relevant trade uses the denomination “concurrent” as a descriptor of this particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985); *see* TMEP §1209.01(b).

As shown below, the mark MASTER PLUMBER merely describes the intended user of the goods and is therefore descriptive within the meaning of Trademark Act Section 2(e)(1).

**THE APPLICANT’S MARK, MASTER PLUMBER, IDENTIFIES AN
INTENDED USER OF THE APPLICANT’S GOODS**

The mark MASTER PLUMBER is descriptive because it describes an intended user of the applicant’s goods. A mark that describes an intended user or group of users of a product or service is merely descriptive, within the meaning of Section 2(e)(1). *In re Planalytics, Inc.*, 70 USPQ2d 1453 (TTAB 2004) (GASBUYER merely describes intended user of risk management services in the field of pricing and purchasing natural gas); *Hunter Publishing Co. v. Caulfield Publishing Ltd.*, 1 USPQ2d 1996 (TTAB 1986) (SYSTEMS USER found merely descriptive of a trade journal directed toward users of large data processing systems; evidence sufficient to establish distinctiveness under §2(f)); *In re Camel Mfg. Co., Inc.*, 222 USPQ 1031 (TTAB 1984) (MOUNTAIN CAMPER merely describes intended users of retail and mail order services in the field of outdoor equipment and apparel); *In re Gentex Corp.*, 151 USPQ 435 (TTAB 1966) (PARADER merely describes intended users of protective helmets, namely, parade marchers).

Here, the applicant has applied to register the mark MASTER PLUMBER for “Ventilating ducts of metal, namely, dryer vents”, “Plastic hoses for plumbing use,

namely, washer hoses; plastic tubes for plumbing use, namely, plastic tubing for sink and washer discharge” and “Non-metal ventilating ducts, namely, dryer vents”. The mark immediately describes the relevant goods, namely, that applicant’s goods are intended for use by individuals characterized as master plumbers.

The examining attorney has provided evidence of the descriptive nature of the mark in the form of Internet website and Lexis-Nexis® evidence showing use of the term “master plumber” to describe a particular consumer group comprised of individuals with a particular level of skill and knowledge in the relevant trade. In addition, the examining attorney has provided Internet evidence in which the terms “master plumber” or “master plumbers” appear in articles or websites in association with goods including dryer vents, hoses, and tubing such as those of the applicant. The Internet and Lexis-Nexis® evidence supports a finding that the goods in the instant application would be used by master plumbers, therefore making a MASTER PLUMBER an intended user of the applicant’s goods.

**(A) THE TERM MASTER PLUMBER IS COMMONLY USED TO DESCRIBE
A CLASS OF INDIVIDUALS**

The examining attorney has attached Internet and Lexis-Nexis® evidence showing that the terms “master plumber” and “master plumbers” are used to describe a particular consumer group. In particular, the evidence shows that MASTER PLUMBER is a license obtained by highly skilled plumbers.

The following are excerpts from Internet printouts, which were attached to the first office action dated September 5, 2006. Additional related Internet website evidence was also provided with the denial of the request for reconsideration dated November 15, 2007. These printouts show use of the term “master plumber” as identifying a class of individuals with a particular level of skill the relevant field.

The printout from www.hawaii.gov:

“Hawai’i ranked in the first quintile among the twenty-four states that license **master plumbers**”. “Twenty-four states issue a **master plumber** license that is comparable to Hawai’i’s. Six states regulate **master plumbers** at the local government level.”

The printout from www.nhes.state.nh.us:

“A **Master Plumber** is any person, firm, or corporation that, as a business, hires or employs a person to do plumbing work, or without hiring any person does that work as a principal business or auxiliary to a principal business for his or its own account.”

The printout from www.texasonline.state.tx.us:

This printout, along with the others mentioned above, illustrates that “Master Plumber” is a license that is obtained through taking an exam and following specific procedures with each state.

The following are excerpts from the Lexis-Nexis® articles, originally attached to the final office action dated April 13, 2007, which show use of “master plumber” to identify a specific class of consumers who are knowledgeable in the field of goods identified by the applicant:

“...you’ll never have to empty the bucket again and the unit will help dry out the **ducts**. Ed Del Grande is a certified **master plumber** and the host of Ed the Plumber on DIY Network.” *The Augusta Chronicle*, January 9, 2005

“Assuming the toilet tank's water levels are correct and water is not flowing over the overflow **tube**, there are three possible contributors to the problems you describe, said **master plumber** Thomas McGuire of McGuire & Sons Plumbing in Hopkins.” *Star Tribune*, March 30, 2005

“...objective discussion of the limitation of copper. For assistance on specific projects, problems or training, CDA has a field team of **master plumbers** and mechanical engineers throughout the country...” *PM Engineer*, August 1, 2002

“...you don't need to be a rocket scientist to understand what Mr. Woodson, a **master plumber** and longtime gardener, says about sprinklers, soaker hoses, pumps, gravity distribution and drip systems.” *The Washington Times*, April 7, 1996

“Beat next year's drought with this do-it-yourself guide to irrigation systems, written by a lifelong gardener and **master plumber**. Easy-to-follow explanations cover the benefits of sprinklers, soaker hoses and drip systems, along with types of pumps.” *The Boston Herald*, February 18, 1996

The above mentioned Internet and Lexis-Nexis® evidence supports the assertion that “master plumber” identifies a particular group of consumers. In particular, “master plumber” is commonly used to identify a class of individuals with a particular license and high level of skill and knowledge in the field of plumbing.

**(B) MASTER PLUMBERS USE THE GOODS IDENTIFIED BY THE
APPLICANT**

As shown above, “master plumber” identifies a group of individuals. These individuals use the goods identified in the applicant’s identification and therefore constitute a group of intended users of the applicant’s goods. The examining attorney has attached Internet evidence indicating that the individuals identified as “master plumbers” or “master plumber” use the goods identified in the applicant’s identification of goods.

The following are excerpts from the Internet websites, originally attached to the denial of the request for reconsideration dated November 15, 2007, which show use of “master

plumber” in association with the goods named in the applicant’s identification of goods, namely “dryer vents, washer hoses, or plastic tubing”.

The printout from www.benningtonplumbing.com illustrates that the plumbing services provided by master plumbers include repairing various installations and devices including “washer hoses”. The wording “master plumbers” is used to identify the license held by the plumbers who will perform such tasks. Because master plumbers perform tasks related to hoses, they inevitably are users of such goods. In particular, the website states:

“Repair work – Broken fixtures, dripping faucets, noisy garbage disposals, dead sump pumps, running or wobbling toilets, underground leaks, weeping pips, slow drains, leaking water heaters, scalding showers, dribbling hose bibs, swollen **washer hoses**, if it’s hooked up to the plumbing system – we do it!...N.J. State **Master Plumbers** license #11252”

The printout from www.dayornightplumbing.com specifically states items that would commonly be found in the truck of a master plumber. Included in the list are goods such as those of the applicant, namely “hoses”. This is an indication that master plumbers are users of the applicant’s goods. In particular, the website states:

“With 3 **Master Plumbers** on our staff with combined field experience totaling over 91 years we have seen just about anything your plumbing could throw at us and know exactly how to fix it. ... The truck of a well-prepared service plumber

should have enough basics to handle most common emergencies: copper tubing, faucet parts, **replacement hoses**, rubber washers, fittings and standard tools.”

The printout from www.jheringplumbing.com is another example of how master plumbers use goods such as those of the applicant. In particular, this website indicates that (1) the plumbers of J. Hering Plumbing are master plumbers and (2) that they perform alterations, installations, and repairs related to various fixtures including washers and dryers. Because these washer and dryer tasks would naturally require parts such as dryer vents, washer hoses and plastic tubing, this website shows that master plumbers use the goods such as those of the applicant. In particular, the website states:

“Alteration – New Installations – Repairs...Disposers, Dishwashers, Washer / **Dryers** ... Lewisville Texas **Master Plumber** ... Unless otherwise exempted by the Plumbing License Law, only a **Master Plumber** with a valid Certificate of Insurance may offer or contract to perform plumbing work for the general public.”

The printout from www.copperheadplumbing.com specifically states that a master plumber works with vents. This is yet another example of master plumbers being intended users of the applicant’s goods. In particular, the website states:

“James Long, **Master Plumber**...Jim loves to dive in to complicated jobs such as well pump replacements, heating system changeouts, or rough-ins of drains, **vents**, and water lines for a new addition.”

The Internet evidence also indicates that the goods identified by the applicant are the subject matter of master plumber licensing exams. This further indicates that master plumbers use the goods in the completion of their work tasks. (see printout from www.elktwp.org)

The above referenced Lexis-Nexis® evidence and the printouts from the Internet establish that the wording “master plumber” is commonly used in the relevant field to describe a class of highly skilled consumers. These consumers, namely “master plumbers”, use “washer hoses, dryer vents, and plastic tubing” in performing their job related tasks. Therefore, the mark MASTER PLUMBER is descriptive because it describes an intended user of the applicant’s goods.

(C) MASTER PLUMBER IDENTIFIES AN INTENDED USER OF THE APPLICANT’S GOODS

As shown above, “master plumber” identifies a particular group of individuals with a high level of skill and knowledge in the field of plumbing. Additionally, the supporting evidence proves that master plumbers use the goods identified in the applicant’s

identification of goods. Therefore, it is logical to conclude that the MASTER PLUMBER identifies an intended user of the applicant's goods.

THE FACTS OF *IN RE OMEGA RESEARCH, INC.* ARE DIFFERENT FROM THE FACTS HERE

The applicant argues that that MASTER PLUMBER is not descriptive of an appreciable number of intended users. In support of this, the applicant relies heavily on the Board's decision in *In re Omega Research, Inc.*, 1997 TTAB LEXIS 215 (TTAB 1997). The applicant argues that the facts here are similar to those in *In re Omega Research, Inc.* because MASTER PLUMBER, like WALL STREET ANALYST, suggests a degree of quality and not an intended user of the goods or services. Additionally, the applicant argues that the case here is similar to the *In re Omega Research, Inc.* decision because the examining attorney has not provided evidence that MASTER PLUMBER identifies an intended user of the products.

While the basis for the refusal in this case may be the same as that in *In re Omega Research, Inc.*, the facts of the cases are different. In the *In re Omega Research, Inc.* decision, the examining attorney provided evidence that WALL STREET ANALYST(S) identifies a group of individuals. To do so, the examining attorney attached Nexis® evidence that merely included the words "Wall Street analyst" and dictionary definitions of "Wall Street" and "analyst". However, the examining attorney in that case provided no evidence that indicated that Wall Street analysts use the goods identified by the

applicant, namely “computer software to assist in making investment decisions”. For this reason, there was no link to the goods identified in the application that would suggest that a WALL STREET ANALYST would use the goods and could therefore be considered an intended user. In that case, the Board clearly made the correct decision because there was complete lack of evidence indicating that a WALL STREET ANALYST uses the goods identified in the application.

Here, the examining attorney has provided extensive evidence to show (1) that MASTER PLUMBER is commonly used to identify a specific and identifiable group of consumers and (2) that the individuals identified as MASTER PLUMBER(S) use the goods identified in the applicant’s application. Unlike the facts in the *In re Omega Research, Inc.* decision, the examining attorney here has provided evidence to show that a MASTER PLUMBER is an intended user of the products. In particular, multiple Internet printouts are provided which show that MASTER PLUMBER(S) use the goods identified in the applicant’s identification of goods. This type of evidence was omitted entirely in the *In re Omega Research, Inc.* case; therefore, the facts at hand are clearly differentiable.

Here, because the evidence so clearly connects master plumbers to the identified goods, MASTER PLUMBER is not suggestive of the quality of the goods. Instead, MASTER PLUMBER merely tells purchasers that the goods would appeal to master plumbers. The evidence, not solely arguments, in the case at hand supports a finding of descriptiveness because master plumbers use the goods identified in the application and therefore constitute an intended user.

**THE OFFICE HAS MET ITS BURDEN OF PROOF IN ESTABLISHING THAT
MASTER PLUMBERS ARE AN INTENDED USER OF THE APPLICANT'S
GOODS**

To support a finding of descriptiveness here, the Office has the burden of showing that a MASTER PLUMBER is an intended user of the applicant's goods, namely "Ventilating ducts of metal, namely, dryer vents", "Plastic hoses for plumbing use, namely, washer hoses; plastic tubes for plumbing use, namely, plastic tubing for sink and washer discharge" and "Non-metal ventilating ducts, namely, dryer vents".

The examining attorney has met its burden of proof in showing that the mark is descriptive through supplying relevant evidence that clearly indicates that a MASTER PLUMBER is an intended user of the applicant's goods. A showing that MASTER PLUMBERS constitute an appreciable number of consumers or that MASTER PLUMBERS are the target consumers is not necessary for a finding of descriptiveness. Furthermore, a mark need not describe all intended users of the goods to be deemed descriptive under Section 2(e)(1). See: *In re Gentex Corporation*, 151 USPQ 435 (TTAB 1966). Instead, the evidence must support a finding that a MASTER PLUMBER constitutes an intended user of the goods. Such a finding is clearly supported here.

In *In re Camel*, 222 USPQ 1031 (TTAB 1984), the mark MOUNTAIN CAMPER was held to be descriptive of an intended user of the applicant's services, namely "retail and

mail order services in the field of outdoor equipment and apparel”. The Board held that the applicant’s services were directed towards campers in general, and mountain campers in particular, contrary to the applicant’s argument that the services were directed more broadly and not primarily to the group categorized as mountain campers. The facts in *In re Camel* are similar to the facts here. In particular, the applicant here argues that its goods are targeted primarily towards do it yourself consumers, although a larger class of consumers may in fact use the goods. Similarly, the applicant in *In re Camel* argued that its services were directed to a much larger class of consumers than those who would be categorized as mountain campers. In finding that MOUNTAIN CAMPER described an intended user of the services, the Board noted that the evidence clearly showed services that were directed towards mountain campers. A similar finding should be made based on the facts in the case at hand. In particular, the evidence here, like that in *In re Camel*, shows that the goods identified by the applicant are used by master plumbers in the completion of their job-related tasks. Such evidence supports a holding that, like MOUNTAIN CAMPER, MASTER PLUMBER is not suggestive, but instead merely tells applicant’s purchasers that certain goods of the applicant appeal to MASTER PLUMBER(S) and that MASTER PLUMBER is therefore descriptive of an intended user of the goods.

The applicant appears to argue that skilled workers, such as master plumbers, are not the target consumers of the applicant. In support of this argument the applicant provides news articles indicating that do it yourself consumers shop at the applicant’s retail stores.

In the denial of the request for reconsideration dated November 15, 2007, the examining attorney attached evidence from the applicant's website indicating that one of the applicant's "retail identities", namely Induserve Supply®, targets commercial and industrial customers. The applicant stated in its brief that Induserve Supply® is a separate division from the applicant's retail hardware store division and that the evidence does not support a finding that MASTER PLUMBERS are an intended user of the applicant's goods.

The examining attorney notes that the name of the applicant, "True Value Company", appears on the top and lower portion of the page of the applicant's website that identifies Induserve Supply® as one of the applicant's "retail identities". This webpage also indicates that Induserve Supply® "supplies...commercial and industrial customers". It should be noted that the application was filed in the name of the "True Value Company" and not its retail hardware store division that supposedly targets only do it yourself consumers. Additionally, there are no limitations in the application to suggest that the goods identified as MASTER PLUMBER are only sold through the applicant's retail hardware store. Because a MASTER PLUMBER would fall within the category of commercial and industrial customers, the evidence is relevant in showing that the True Value Company does not solely target do it yourself consumers and that MASTER PLUMBERS are an intended user of the applicant's goods.

Nevertheless, it should be noted that master plumbers do not necessarily purchase supplies solely through specialized professional or industrial suppliers. Because the

applicant provides the specialized products required for the work of master plumbers and because master plumbers are not prohibited from shopping at “do it yourself” retail locations, it is not unreasonable to conclude that master plumbers would purchase their supplies through retail stores such as those of the applicant. Therefore, by supplying the specialized products required for completion of tasks performed by master plumbers, the applicant is targeting master plumbers and master plumbers constitute intended users of the applicant’s goods.

Additionally, no limitations are included in the identification of goods that would indicate that the goods are for use solely by do it yourself consumers. The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (CCPA 1978); *see, e.g., In re Polo Int’l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (CONCURRENT PC-DOS found merely descriptive of “computer programs recorded on disk” where relevant trade uses the denomination “concurrent” as a descriptor of this particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985); *see* TMEP §1209.01(b).

Furthermore, the presumption under Trademark Act Section 7(b), 15 U.S.C. §1057(b), is that the registrant is the owner of the mark and that use of the mark extends to all goods and/or services identified in the registration. The presumption also implies that the registrant operates in all normal channels of trade and reaches all classes of purchasers of the identified goods and/or services. *In re Melville Corp.*, 18 USPQ2d 1386, 1389 (TTAB 1991); *McDonald's Corp. v. McKinley*, 13 USPQ2d 1895, 1899 (TTAB 1989); *RE/MAX of America, Inc. v. Realty Mart, Inc.*, 207 USPQ 960, 964-5 (TTAB 1980). This presumption further supports the proposition that applicant's goods will be directed to the class of purchasers known as "MASTER PLUMBER(S)" and is supported by the evidence of record.

Finally, the applicant argues that master plumbers purchase their supplies and equipment through suppliers that specialize in supplying professional consumers. In light of the evidence of record, this argument is unpersuasive. There is no evidence of record that indicates that master plumbers purchase supplies solely from specialized suppliers. While specialized suppliers certainly exist, evidence of such suppliers is not persuasive in showing that master plumbers are not an intended user of the applicant's goods.

MASTER PLUMBER NEEDS TO BE FREE FOR USE BY COMPETITORS

The two major reasons for not protecting descriptive marks are: (1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods or services; and (2) to avoid the possibility of costly infringement suits brought by the registrant. This thus

enables businesses and competitors to have the freedom to use common descriptive language when merely describing their own goods or services to the public in advertising and marketing materials. *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (C.C.P.A. 1978); *In re Colonial Stores, Inc.*, 394 F.2d 549, 157 USPQ 382, 383 (C.C.P.A. 1968); *Armour & Co. v. Organon Inc.*, 245 F.2d 495, 114 USPQ 334, 337 (C.C.P.A. 1957); *In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1526-1527 (TTAB 2001); *In re Styleclick.com Inc.*, 57 USPQ2d 1445, 1448 (TTAB 2000).

Here, MASTER PLUMBER is commonly used to describe a class of individuals. These individuals use the goods identified in the applicant's application. Because the identified goods are essential to the work of master plumbers, the term MASTER PLUMBER is needed to describe such goods and should therefore be free for use by competitors.

CONCLUSION

The applicant's mark MASTER PLUMBER is comprised of descriptive terms that will immediately, without the need for deliberation, imagination or forethought, convey to potential consumers, that a MASTER PLUMBER is an intended user of the goods. A mark that describes an intended user of a product is merely descriptive under Trademark Section 2(e)(1). For the foregoing reasons, it is respectfully submitted that the refusal of registration be affirmed.

Respectfully submitted,

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