

This Opinion is not a
Precedent of the TTAB

Mailed: August 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Marotta

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Serial No. 86087067

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Megan Jeanne of The Corporate Law Group for Paul D. Marotta.

Jonathan R. Falk, Trademark Examining Attorney, Law Office 111,
Robert L. Lorenzo, Managing Attorney.

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Before Taylor, Shaw and Masiello,
Administrative Trademark Judges.

Opinion by Shaw, Administrative Trademark Judge:

Paul D. Marotta, an individual doing business as The Corporate Law Group (“Applicant”), seeks registration on the Principal Register of the mark THE CORPORATE LAW GROUP in standard characters for:

Legal services; Legal services, namely, intellectual property consulting services in the field of identification, strategy, analytics, and invention; Legal services, namely, preparation of applications for trademark registration; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of business, securities, venture capital, corporate governance, and finance; Legal services, namely, providing customized information,

counseling, advice and litigation services in all areas of employment and labor law for both employees and employers; Legal services, namely, providing customized information, counseling, advice and litigation services in all areas of international law; Legal services, namely, trademark maintenance services, in International Class 45.¹

Registration has been refused on the grounds that the mark is generic under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1).² In the event the mark is not generic, registration also has been refused on the ground that the mark is merely descriptive and Applicant has not demonstrated that it has acquired distinctiveness under Section 2(f). Applicant appealed and the case is fully briefed. We affirm the refusals to register.

I. Genericness Refusal

Whether a particular term is generic, and therefore cannot be a trademark or service mark, is a question of fact. *In re Hotels.com LP*, 573 F.3d 1300, 91 USPQ2d 1532, 1533 (Fed. Cir. 2009). When a proposed mark is refused registration as generic, the Examining Attorney has the burden of proving genericness by “clear evidence” thereof. *Id.*; *See also In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987); and *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110, 1111 (Fed. Cir. 1987).

¹ Application Serial No. 86087067, filed on October 9, 2013 under Section 1(a) of the Trademark Act, alleging a date of first use of the mark in commerce and anywhere of August 1, 1991.

² The Examining Attorney also issued a requirement for Applicant to claim ownership of Registration No. 2750351 for the mark THE CORPORATE LAW GROUP and design which registered under Section 2(f). The requirement became moot when the mark was cancelled on March 14, 2014 for failure to file a Section 8 affidavit.

The critical issue is to determine whether the record shows that members of the relevant public primarily use or understand the term sought to be registered to refer to the category or class of goods or services in question. *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 228 USPQ 528, 530 (Fed. Cir. 1986). Making this determination “involves a two-step inquiry: First, what is the genus of goods or services at issue? Second, is the term sought to be registered . . . understood by the relevant public primarily to refer to that genus of goods or services?” *Id.* Evidence of the public’s understanding of a term may be obtained from any competent source, including testimony, surveys, dictionaries, trade journals, newspapers and other publications. *See Merrill Lynch*, 4 USPQ2d at 1143, and *In re Northland Aluminum Prods., Inc.*, 777 F.2d 1556, 227 USPQ 961, 963 (Fed. Cir. 1985).

Additionally, “[a]n inquiry into the public’s understanding of a mark requires consideration of the mark as a whole. Even if each of the constituent words in a combination mark is generic, the combination is not generic unless the entire formulation does not add any meaning to the otherwise generic mark.” *In re Steelbuilding.com*, 415 F.3d 1293, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005).

A. The Genus of Applicant’s Services.

We first determine the proper genus of the services at issue. We agree with Applicant that the genus is adequately defined by the wording “legal services.”³ *See Magic Wand, Inc. v. RDB, Inc.*, 940 F.2d 638, 19 USPQ2d 1551, 1552 (Fed. Cir. 1991)

³ Applicant’s Br., p. 8; 4 TTABVUE 9.

("[A] proper genericness inquiry focuses on the description of services set forth in the [application or] certificate of registration.").

The Examining Attorney argues that the genus should be defined more narrowly as "corporate legal services."⁴ This is an unnecessarily narrow genus. It is well settled that a mark may be refused registration if it is generic for any of the services encompassed within the genus. *In re Reed Elsevier Props., Inc.*, 77 USPQ2d 1649, 1654 (TTAB 2005) ("[T]he question of registrability must be determined by considering any goods or services falling within the literal scope of an identification."); *See In re Wm. B. Coleman Co.*, 93 USPQ2d 2019 (TTAB 2010) (holding the genus "lighting fixtures" to encompass electric candles). Thus, the fact that Applicant has identified its services broadly as "legal services" will not permit registration if THE CORPORATE LAW GROUP is generic for any services encompassed by this broad terminology, including more-narrowly defined services such as "corporate legal services." *See In re Allen Elec. and Equip. Co.*, 458 F.2d 1404, 173 USPQ 689, 690 (CCPA 1972) (holding SCANNER merely descriptive of goods broadly identified as "antennas" which encompassed narrower term, "scanning antennas").

B. Primary Significance to the Relevant Public

Next, we must determine whether the primary significance of Applicant's mark THE CORPORATE LAW GROUP is understood by the relevant public primarily to refer to "legal services." *Marvin Ginn*, 228 USPQ at 530. The "relevant public" for

⁴ Examining Attorney's Br. at 4; 6 TTABVUE 5.

services is limited to actual or potential purchasers of the services. *Magic Wand*, 19 USPQ2d at 1552-53. Here, the “relevant public” consists of all persons seeking legal services, including individuals, businesses, and even other lawyers.⁵

We now turn to the evidence of record to determine the relevant public’s understanding of THE CORPORATE LAW GROUP when used in connection with “legal services.” The Examining Attorney submitted the following excerpts from third-party law firm web sites showing their use of the phrase THE CORPORATE LAW GROUP or CORPORATE LAW GROUP to identify the provision of legal services in the field of business and corporate law:⁶

1. Walkercorporatelaw.com – The website of the “Walker **Corporate Law Group**, PLLC” which bills itself as “a boutique corporate law firm specializing in the representation of entrepreneurs and their companies.”
2. Gcorplaw.com – The website of the “Galler **Corporate Law Group**” which bills itself as “a boutique law firm based in the Washington, DC area. We deliver excellent transactional service and business-centric advice to business clients who value practical answers to their thorniest questions.”
3. Apslaw.com – The website of the law firm Adler Pollock & Sheehan. The firm’s website states that its “Business and **Corporate Law Group** offers a broad range of sophisticated business counseling and transactional services to a diverse clientele. . . .”
4. Donovanhatem.com – The website of the law firm Donovan Hatem, LLP. The website states that “Donovan Hatem LLP’s **Corporate Law Group** serves clients at all stages of the business lifecycle.” The website frequently uses the entire phrase “the corporate law group” while describing the firm’s activities:

In our representation of start-up companies, **the Corporate Law Group** frequently advises the founders of start-ups. . . . Also, during this start-up stage, **the Corporate Law Group** will often

⁵ See Applicant’s specimen submitted with the application and the declarations of nine attorney-clients submitted in support of registration with Applicant’s response of June 17, 2015, pp. 46-63.

⁶ Office Actions of January 27, 2014 and July 10, 2015. Emphasis added.

introduce the company's founders to our Trusts and Estates Group for maximization of their estate planning. . . .

With respect to our representation of emerging growth companies, **the Corporate Law Group** advises companies regarding corporate governance, corporate finance, employment and commercial finance matters. . . .

As the emerging growth company matures into a middle market company, **the Corporate Law Group** provides counsel. . . .

The Corporate Law Group brings its experience and expertise to our representation of start-up, emerging growth and middle market companies.

5. Thegardnerlawgroup.com – The website of the Gardner Corporate and Entertainment Law Group. The website uses the entire phrase “the corporate law group” while describing the firm’s activities: “**The Corporate Law Group** engages in a general corporate practice and represents publicly and privately owned companies.”
6. Greenbergglusker.com – The website of the law firm Greenberg Glusker. The website describes the activities of the firm’s “**Corporate Law Group.**” The website uses the entire phrase “the corporate law group” while describing some of the firm’s activities: “Attorneys in **the Corporate Law Group** include the current president of the Association for Corporate Growth, Los Angeles Chapter. . . .”
7. Pearce-durick.com – The website of the law firm Pearce & Durick which states: “Pearce & Durick’s **Corporate Law Group** provides clients with a full range of services in support of simple and complex transactions for corporations of all sizes and scope.”
8. Pecklaw.com – The website of the law firm Peckar & Abramson. The website uses the entire phrase “the corporate law group” while describing the firm’s abilities: “**The Corporate Law Group:** From M&A to IPOs, answers to business and legal questions . . . Peckar & Abramson’s **Corporate Law Group** has the experience and resources to meet your needs.”
9. Pilieromazza.com – The website of the law firm PilieroMazza which states: “PilieroMazza is a full service law firm and the members of our Business and **Corporate Law Group** often act as a virtual in-house general counsel to these clients.”

10. Stark-stark.com – The website of the law firm Stark & Stark which states: “Our Business and **Corporate Law Group** represents businesses from sole operators to Fortune 100 corporations.”
11. Sullcrom.com – The website of the law firm Sullivan & Cromwell which states: “Sullivan & Cromwell’s General Practice/**Corporate Law Group** provides integrated advice and service across a spectrum of practice areas to clients around the world.”
12. Maaloufashford.com – The website of the law firm Maalouf Ashford & Talbot. The website uses the entire phrase “the corporate law group” while describing the firm’s activities: “**The Corporate Law group** represents companies in a variety of industries in connection with corporate, securities and business law matters. . . .”
13. Kmclaw.com – The website of the law firm Kirton McConkie. The website uses the entire phrase “the corporate law group” while describing the firm’s abilities: “**The corporate law group** has a collaborative relationship with other practice sections in the firm, allowing us to resolve the critical needs of emerging and established companies in a continually changing marketplace.”
14. Asantelawgroup.com – The website of the law firm the Asante Law Group which describes its “**CORPORATE LAW GROUP**” as being experienced in a number of areas of corporate law.
15. Mjattorneys.com – The website of the law firm Massillamany & Jeter LLP providing information about the firm by identifying the leader of its “**CORPORATE LAW GROUP.**”

In addition, the Examining Attorney submitted news stories from a variety of publications where the phrase THE CORPORATE LAW GROUP or CORPORATE LAW GROUP is used to identify a subgrouping of professionals within an organization:⁷

16. A book review from the news web site Bloomberg.com which describes an author as “a pioneer in developing the concept of the in-house **corporate law group.**”

⁷ Office Actions of December 17, 2014 and July 10, 2015. Emphasis added.

17. An article from the Long Island Business News profiling local business leaders including one individual who is described as a partner in a “Mineola-based law firm’s **corporate law group**. . . .”
18. An article from the South Carolina Lawyers Weekly profiling local lawyers, and including a quote from one lawyer described as the “chair of the firm’s **corporate law group**.”
19. An article from The Daily Record of Rochester describing the work of one attorney in the “**corporate law group** of Meltzer, Lippe, Goldstein & Breitstone.”
20. An article from the Cleveland Plain Dealer profiling local lawyers including one attorney who is described as a member of his firm’s “business and **corporate law group** and practices in the health care and real estate areas.”
21. An article from the website Cincinnati.com profiling local lawyers, and describing one lawyer as the “director of **the corporate law group** at the law firm of Stagnaro, Saba & Patterson. . . .”
22. An article from the Palm Beach Daily News profiling local lawyers, and describing a lawyer’s move to a firm’s “Business and **Corporate Law Group** in its newly opened island office.”

In addition, the Board takes judicial notice of the following dictionary definitions of the words in the mark, which were not made of record by either party:⁸

- The – *definite article* –
 - 1 a —used as a function word to indicate that a following noun or noun equivalent is definite or has been previously specified by context or by circumstance
- Corporate – *adjective* –
 - 1 a : formed into an association and endowed by law with the rights and liabilities of an individual : incorporated
 - b : of or relating to a corporation
- Law – *noun* –
 - 1 a (1) : a binding custom or practice of a community : a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority
 - (2) : the whole body of such customs, practices, or rules
 - (3) : common law

⁸ [Http://www.merriam-webster.com/dictionary](http://www.merriam-webster.com/dictionary). The Board may take judicial notice of dictionary definitions. *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 213 USPQ 594 (TTAB 1982), *aff’d*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983).

- Group – *noun* –
2 *a* : a number of individuals assembled together or having some unifying relationship

The Examining Attorney argues that the foregoing web site excerpts and news articles demonstrate “that the wording ‘CORPORATE LAW GROUP’ in the applied-for mark means the part of a law practice that specializes in the needs of businesses and corporations and thus the relevant public would understand this designation to refer primarily to that genus of services because it is a commonly used basic term to describe this part of a legal practice.”⁹

In response to the refusal, Applicant submitted declarations of acquired distinctiveness alleging, *inter alia*, use of the mark since 1991; promotion of the mark through Internet web pages, Twitter, Facebook, LinkedIn, and Yelp; advertising, marketing, and promotional expenditures of over \$100,000; sponsorship of and participation in regional events such as the “The Mavericks Surf Contest” and the “Silicon Valley Marathon;” billings of legal services provided under the mark of “several millions of dollars;” ongoing efforts to police potentially infringing use of the mark by others; and a lack of actual confusion with other law firms using the terms “corporate law group.”¹⁰ In addition, Applicant submitted twenty-two declarations in support of registration of Applicant’s mark from Applicant’s clients;¹¹ letters from nine attorneys attesting to the professional recognition of Applicant’s mark;¹² and

⁹ Examining Attorney’s Br., p. 5; 6 TTABVUE 6.

¹⁰ Applicant’s Response of June 17, 2015, pp. 19-25.

¹¹ Applicant’s Response of November 25, 2014, pp. 12-54.

¹² Applicant’s Response of June 17, 2015, pp. 46-63.

copies of the following third-party registrations purporting to show that similar marks have been registered for similar services:¹³

1. Registration No. 3436135 for the mark THE EMPLOYMENT LAW GROUP for use in connection with “legal services” (registered under Section 2(f) and disclaiming “group”).
2. Registration No. 2519230 for the mark SOCIAL SECURITY LAW GROUP for use in connection with “legal services for individuals seeking social security disability and supplemental security income claims” (registered under Section 2(f) and disclaiming “law group”).
3. Registration No. 3105968 for the mark INNOVATION LAW GROUP for use in connection with “legal services” (registered under Section 2(f) and disclaiming “law group”).
4. Registration No. 3925182 for the mark WORKERS’ INJURY LAW & ADVOCACY GROUP for use in connection with “Association services, namely, promoting the interests of attorneys practicing in the field of worker’s compensation” (registered under Section 2(f) and disclaiming “group”).
5. Registration No. 4640530 for the mark R&S INTERNATIONAL LAW GROUP for use in connection with “legal services” (disclaiming “international law group”).

Applicant argues that “[t]he evidence proffered to show that THE CORPORATE LAW GROUP is so commonly generic as to be unregistrable falls far short of the clear showing necessary to meet the Patent and Trademark Office’s burden.”¹⁴ We disagree. The Examining Attorney has submitted nearly two dozen examples of use of the term THE CORPORATE LAW GROUP or CORPORATE LAW GROUP by third parties in connection with legal services. For example, the law firms of Donovan Hatem, The Gardner Corporate and Entertainment Law Group, Greenberg Glusker,

¹³ *Id.* at 65-83; Registration No. 1644671 for the mark CORPLAW and Registration No. 3562397 for the mark 866SUE2WIN.COM PERSONAL INJURY LAW GROUP have been cancelled. Accordingly, they have not been considered.

¹⁴ Applicant’s Br., p. 12; 4 TTABVUE 13.

Peckar & Abramson, Maalouf Ashford & Talbot, and Kirton McConkie all use the entire phrase THE CORPORATE LAW GROUP to refer to their business law practice groups. The remainder of the evidence uses the phrase CORPORATE LAW GROUP as a unitary phrase with the same meaning as Applicant's mark. The absence of the article "the" from these examples does not reduce their evidentiary value inasmuch as the presence of the article "the" in Applicant's mark does not add any source identifying significance to the mark. See *In re Weather Channel, Inc.*, 229 USPQ 854, 856 (TTAB 1986); and *In re The Computer Store, Inc.*, 211 USPQ 72, 74-75 (TTAB 1981). Thus, even the examples of use of CORPORATE LAW GROUP by itself in the record are relevant. We find these uses of THE CORPORATE LAW GROUP and CORPORATE LAW GROUP to be generic, i.e., naming an entity that provides legal services. Indeed, the evidence shows, as in *In re Reed Elsevier*, that this case "does not involve a perceived need for others to use a term, but involves a demonstrated use of the term by others." *In re Reed Elsevier*, 77 USPQ2d at 1657.

With regard to Applicant's declarations from clients stating that they recognize THE CORPORATE LAW GROUP to have source indicating significance, we note that no amount of evidence can transform a generic phrase into a registrable trademark. See *In re Half Price Books, Records, Magazines, Inc.*, 225 USPQ 219, 222 (TTAB 1984). See also *Miller Brewing Co. v. G. Heileman Brewing Co.*, 561 F.2d 75, 195 USPQ 281 (7th Cir. 1977).

In addition, the dictionary definitions, while not dispositive, support the finding that the phrase THE CORPORATE LAW GROUP merely refers to a group of lawyers

providing legal services in the field of corporate law. *See Merrill Lynch*, 4 USPQ2d at 1143 (“Evidence of the public's understanding of the term may be obtained from any competent source, such as purchaser testimony, consumer surveys, listings in dictionaries, trade journals, newspapers, and other publications.”).

Citing *Alcatraz Media, Inc. v. Chesapeake Marine Tours Inc. dba Watermark Cruises*, 107 USPQ2d 1750, 1753 (TTAB 2013), Applicant argues that “the evidence proffered by the Examiner, when considered as a whole, shows a mixed record of use of the phrase ‘corporate law group’ both generically and as part of trademarks or tradenames.”¹⁵ This argument is unpersuasive. Only two of the twenty-two examples of third-party use of CORPORATE LAW GROUP listed above can be considered to use the term “as part of trademarks or tradenames.” Moreover, in *Alcatraz Media*, the petitioner “submitted no evidence of use . . . of the [entire mark] per se as a generic designation for respondent’s services.” *Id.* at 1763. Here, the Examining Attorney has included a number of third-party uses of the entire phrase THE CORPORATE LAW GROUP to refer to corporate law groups providing legal services. *See Merrill Lynch*, 4 USPQ2d at 1144.

Applicant nevertheless argues that many of the Examining Attorney’s examples are from obscure publications or are used by law firms in ways that are not directed to prospective consumers of legal services.¹⁶ But the majority of the third-party uses are from other law firms and we see no reason why prospective consumers, including other attorneys, would not be familiar with this usage, especially since Applicant

¹⁵ Applicant’s Br., p. 12; 4 TTABVUE 13.

¹⁶ Applicant’s Br., p. 13-14; 4 TTABVUE 14-15.

admits that these examples appear in the “legal/business press.”¹⁷ Nor do we have any evidence that the publications, such as the Cleveland Plain Dealer, the Long Island Business News, or the Palm Beach Daily News, are so obscure so as to diminish their evidentiary value.

Applicant also argues that its ownership of two cancelled registrations for the same mark and the same services serves as confirmation that the USPTO has already determined that the mark in question is registrable on the Principal Register under Section 2(f) for the same services as those now sought.¹⁸ Applicant’s argument is unpersuasive. It is well settled that we must assess each application on its own record and we are not bound by the decisions of Examining Attorneys in other cases. *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001). Additionally, registrability must be determined at the time registration is sought. *In re Thunderbird Prods. Corp.*, 406 F.2d 1389, 160 USPQ 730, 732 (CCPA 1969). The record in this case convinces us that the applied-for mark is generic for the identified services.

Similarly, Applicant’s third-party registrations do not support a finding that THE CORPORATE LAW GROUP is not generic. As discussed above, it is well settled that we must make our decision in each case on its own merits. “Even if some prior registrations had some characteristics similar to [another] application, the PTO’s allowance of such prior registrations does not bind the Board. . . .” *Nett Designs*, 57

¹⁷ *Id.* at 13.

¹⁸ *Id.* at 20.

USPQ2d at 1566; *In re Cordua Rests., Inc.*, 823 F.3d 594, 118 USPQ2d 1632, 1635 (Fed. Cir. 2016) (“The PTO is required to examine all trademark applications for compliance with each and every eligibility requirement, including non-genericness, even if the PTO earlier mistakenly registered a similar or identical mark suffering the same defect.”). More importantly, many of the third-party registrations upon which Applicant relies do not contain the same terms as in Applicant’s mark, disclaim significant wording, or are not used in connection with legal services. Moreover, these few third-party registrations are outweighed by the Examining Attorney’s evidence that THE CORPORATE LAW GROUP is generic when used in connection with legal services.

Based on the foregoing evidence, we find that there is clear evidence to support a finding that the relevant public, when it considers the phrase THE CORPORATE LAW GROUP in connection with legal services, readily understands the phrase to refer to services of the type identified in the application.

II. Acquired distinctiveness

Although we have found the phrase THE CORPORATE LAW GROUP to be generic for Applicant’s services, in the event that Applicant’s mark is found to be not generic, for completeness, we also determine whether Applicant’s proposed mark may be registered with a showing of acquired distinctiveness under Section 2(f).

As an initial matter, by applying for registration based on acquired distinctiveness under Section 2(f), Applicant has conceded that the proposed mark is merely descriptive and it is Applicant’s burden to prove acquired distinctiveness. *Yamaha Int’l Corp. v. Hoshino Gakki Co. Ltd.*, 840 F.2d 1572, 6 USPQ2d 1001, 1005-1006 (Fed.

Cir. 1988); *In re Hollywood Brands, Inc.*, 214 F.2d 139, 102 USPQ 294, 295 (CCPA 1954) (“[T]here is no doubt that Congress intended that the burden of proof [under Section 2(f)] should rest upon the applicant”).

As discussed *supra*, Applicant has been using the mark since 1991. Applicant promotes the mark through Internet web pages, Twitter, Facebook, LinkedIn, and Yelp. Applicant states that he has advertising, marketing, and promotional expenditures of over \$100,000. He has sponsored and participated in regional events such as the “The Mavericks Surf Contest” and the “Silicon Valley Marathon.” Applicant’s billings of legal services provided under the mark exceed “several millions of dollars.”¹⁹ In addition, Applicant submitted twenty-two declarations in support of registration of Applicant’s mark from Applicant’s clients²⁰ and letters from nine attorneys attesting to the professional recognition of Applicant’s mark.²¹

The amount and character of evidence required to establish acquired distinctiveness depends on the facts of each case. *Roux Labs., Inc. v. Clairol Inc.*, 427 F.2d 823, 166 USPQ 34 (CCPA 1970). Evidence of acquired distinctiveness can include the length of use of the mark, advertising expenditures, sales, survey evidence, and affidavits asserting source-indicating recognition. However, a successful advertising campaign is not in itself necessarily enough to prove secondary meaning. *In re Boston Beer Co. L.P.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999) (claim based on annual sales under the mark of approximately eighty-five million

¹⁹ Applicant’s Response of June 17, 2015, pp. 19-25.

²⁰ Applicant’s Response of November 25, 2014, pp. 12-54.

²¹ Applicant’s Response of June 17, 2015, pp. 46-63.

dollars, and annual advertising expenditures in excess of ten million dollars, not sufficient to establish acquired distinctiveness in view of highly descriptive nature of mark). The ultimate test in determining whether a designation has acquired distinctiveness is Applicant's success, rather than its efforts, in educating the public to associate the proposed mark with a single source. *In re Redken Labs., Inc.*, 170 USPQ 526, 529 (TTAB 1971) ("It is necessary to examine the advertising material to determine how the term is being used therein, what is the commercial impression created by such use, and what would it mean to purchasers.).

More evidence is required where a mark is so highly descriptive that purchasers seeing the matter in relation to the named services would be less likely to believe that it indicates source in any one party. *See, e.g., In re Bongrain Int'l Corp.*, 894 F.2d 1316, 1318, 13 USPQ2d 1727, 1729 (Fed. Cir. 1990). Thus, a claim that Applicant has been using the subject matter for a long period of substantially exclusive use may not be sufficient to demonstrate that the mark has acquired distinctiveness. *See In re Gibson Guitar Corp.*, 61 USPQ2d 1948, 1952 (TTAB 2001) (66 years of use insufficient).

After a careful review of the record, we find that Applicant has not shown that the phrase THE CORPORATE LAW GROUP has acquired distinctiveness. The evidence of record discussed above clearly establishes that the phrase THE CORPORATE LAW GROUP is highly descriptive and the evidence submitted by Applicant is insufficient to show that the relevant consumers recognize this phrase as a mark. *See In re The Paint Prods. Co.*, 8 USPQ2d 1863, 1867 (TTAB 1988) (declarations must be

weighed against the highly descriptive nature of the words that compose the mark). Thus, despite the many years of use and some regional success in promoting the mark, given the highly descriptive nature of the phrase, we do not find that THE CORPORATE LAW GROUP has come to signify the commercial source of the services, but rather continues merely to inform the consumers about the nature of the services.

Decision: The refusal to register under Section 2(e)(1) of the Trademark Act on the ground that the mark is generic is affirmed; and the refusal to register on the ground that the mark is merely descriptive and that the evidence is insufficient to show that the mark has acquired distinctiveness under Section 2(f) of the Act also is affirmed.