

This Opinion Is Not a
Precedent of the TTAB

Mailed: May 18, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re American Furniture Warehouse CO

Serial No. 86407531

Ellen Reilly of The Reilly Intellectual Property Law Firm
for American Furniture Warehouse CO.

John D. Dalier, Trademark Examining Attorney, Law Office 106,
Mary Sparrow, Managing Attorney.

Before Ritchie, Shaw, and Lynch,
Administrative Trademark Judges.

Opinion by Lynch, Administrative Trademark Judge:

On April 23, 2018, we affirmed the Examining Attorney's refusal to register the



proposed mark **LIFESTYLE FURNITURE** on the Principal Register. We determined that the proposed mark is geographically descriptive, but held that Applicant's claim of Section 2(f)-in-part as to the wording AMERICAN FURNITURE WAREHOUSE would be deemed acceptable, as long as within 30 days of the decision Applicant would

submit a disclaimer of the generic portions, FURNITURE WAREHOUSE, and FURNITURE.

Applicant timely submitted the necessary disclaimer on May 17, 2018. In view thereof, our decision of April 23, 2018 is set aside as to the disclaimer requirement. The involved application, Serial No. 86407531, now with the disclaimers of FURNITURE WAREHOUSE, and FURNITURE, will proceed to publication in due course. *See* Trademark Rule 2.142(g), 37 C.F.R. § 2.142(g) (allowing for entry of a disclaimer after a decision on appeal).