

This Opinion is not a
Precedent of the TTAB

Mailed: October 19, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Michael Moureau Wilson
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Serial No. 87240575
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Joshua Gerben and Eric J. Perrott of Gerben Law Firm PLLC,
for Michael Moureau Wilson.

Meghan Reinhart, Trademark Examining Attorney, Law Office 108,
Steven Berk, Managing Attorney.

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Before Ritchie, Kuczma and Adlin,
Administrative Trademark Judges.

Opinion by Kuczma, Administrative Trademark Judge:

Michael Moureau Wilson (“Applicant”) seeks registration on the Principal Register of OUR LAWYERS ARE DOCTORS (in standard characters) for:

“Legal services,” in International Class 45.¹

The Trademark Examining Attorney refused registration of Applicant’s applied-for mark on the following grounds: (1) it is a slogan or term that does not function as

¹ Application Serial No. 87240575 was filed on November 17, 2016, based upon Applicant’s claim of first use anywhere and first use in commerce since at least as early as January 1, 2001.

a service mark to indicate the source of Applicant's services, Trademark Act Sections 1-3 and 45, 15 U.S.C. §§ 1051-1053, 1127; (2) it merely describes a feature or characteristic of Applicant's services, Trademark Act Section 2(e)(1), 15 U.S.C. § 1052 (e)(1); and (3) Applicant's allegation of five years' use of the applied-for mark is insufficient to show acquired distinctiveness because the applied-for mark is highly descriptive.

After the Examining Attorney made the refusals final, Applicant appealed to this Board. We affirm the refusals to register.

A. Does the Applied-For Mark Function as a Mark?

We begin by considering whether Applicant's applied-for mark functions as a service mark to indicate the source of Applicant's services. Trademark Act Sections 1-3 and 45, 15 U.S.C. §§ 1051-1053, 1127. To be registrable as a service mark, the applied-for mark must identify the source of the services recited in the application and distinguish them from the services of others. "Implicit in this definition is a requirement that there be a direct association between the mark sought to be registered and the [services] specified in the application, that is, that the mark be used in such a manner that it would be readily perceived as identifying the specified [services] and distinguishing a single source or origin for the [services]." *In re Safariland Hunting Corp.*, 24 USPQ2d 1380, 1381 (TTAB 1992); *see also In re Roberts*, 87 USPQ2d 1474, 1478 (TTAB 2008). Not every word or symbol which appears in connection with an entity's services functions as a service mark. *In re Safariland Hunting*, 24 USPQ2d at 1381; *In re Remington Prods. Inc.*, 3 USPQ2d

1714, 1715 (TTAB 1987). Whether the slogan functions as a service mark depends on how it would be perceived by the relevant public. *In re Eagle Crest, Inc.*, 96 USPQ2d 1227, 1229 (TTAB 2010); *In re Aerospace Optics, Inc.*, 78 USPQ2d 1861, 1862 (TTAB 2006). “The more commonly a [slogan or term] is used, the less likely that the public will use it to identify only one source and the less likely that it will be recognized by purchasers as a trademark [or service mark].” *In re Hulting*, 107 USPQ2d 1175, 1177 (TTAB 2013) (quoting *In re Eagle Crest*, 96 USPQ2d at 1229).

According to the Examining Attorney, the applied-for mark OUR LAWYERS ARE DOCTORS consists of terms that are commonly used by those in Applicant’s trade to merely convey information about their services.²

The Examining Attorney’s position is supported by the following evidence showing that firms offering legal services provided by lawyers who are also doctors commonly use the terms “lawyers” and “doctors” together, sometimes using the identical language to that in Applicant’s proposed mark:

- Kline & Specter webpage sub-headline stating “The Doctor/Lawyer Team” with the text beginning “Kline & Specter, PC, has five lawyers who are also doctors . . .” (March 2, 2017 Office Action, TSDR 4)³
- LAWMD.COM webpage stating in the first paragraph “many of our lawyers are doctors as well as skilled trial lawyers” (March 2, 2017 Office Action, TSDR 5)
- Sacks, Leichter & Roskin webpage stating in a sub-headline near the top of the page “One of the Few Law Firms Where The Lawyers Are All Board Certified Physicians or Doctors,” also mentioning “Our medical

² Examining Attorney’s Appeal Brief (6 TTABVUE 6).

³ References to the TSDR database are to the downloadable .pdf version.

malpractice lawyers are all board certified physicians or doctors . . . ” and “one of the only medical malpractice law firms in the United States where the lawyers are all board certified physicians or doctors” (March 2, 2017 Office Action, TSDR 6)

- CHH Cirignani Heller Harman webpage stating in a sub-headline “A Firm With Attorneys Who Are Also Board-Certified Physicians” and also mentioning that “two of our lawyers are also doctors” (March 2, 2017 Office Action, TSDR 7)
- Cullan & Cullan M.D., J.D. webpage stating in sub-heading “Nursing Home Lawyers who are also Doctors” and in the text “Our lawyers are also doctors . . . ” and “Our AV rated lawyers are also doctors . . . ”; a box near the bottom of the page is entitled “Working with Nursing Home Lawyers who are also Doctors” (March 2, 2017 Office Action, TSDR 8)
- Gershon Willoughby & Getz webpage from <www.medicalmalpracticedoctors.com> has section beginning “**Our lawyers are doctors**” (May 26, 2017 Office Action, TSDR 8)
- Mahoney Law Firm webpage has the heading “A Lawyer Who is Also a Doctor” above the entry for “Attorney Dennis Mahoney” who “is also a licensed medical doctor.” (See February 28, 2018 Office Action, TSDR 8)
- Nudelman & Associates webpage with the headline “Sometimes you need a lawyer who is also a doctor.” and then follows that with information that firm’s attorney, Mitchell S. Nudelman is a lawyer and a doctor (February 28, 2018 Office Action, TSDR 10)
- Ramji Law Group webpage with heading “Lawyer & Doctor” “The Lawyer who is also a Doctor.” (February 28, 2018 Office Action, TSDR 12)
- Schwalben Law Firm webpage contains sub-heading “Legal Assistance From A Lawyer Who Is A Doctor” (February 28, 2018 Office Action, TSDR 14)

- Ted A. Greve & Associates website contains sub-heading “Talk to the Lawyer Who is Also a Doctor” and also notes later in another page that firm has “A lawyer who is also a doctor” (February 28, 2018 Office Action, TSDR 18, 20)
- Law Offices of John C. Dorn webpage contains the wording “Who better than a lawyer who is also a doctor to have on your side.” (February 28, 2018 Office Action, TSDR 22)
- The Rich Firm PC website stating “Several of our lawyers are also doctors . . .” (February 28, 2018 Office Action, TSDR 24)
- Florida Trial MD webpage states “. . . who better to have on your side that a lawyer who is also a medical doctor?” and that its trial team consists of both “a lawyer/medical doctor and a Board Certified Civil Trial Lawyer” (February 28, 2018 Office Action, TSDR 27)
- Jack Tolliver, M.D. webpage contains the sub-heading “Our Unique Doctor-Lawyer Medical Malpractice Experience,” describes the lawyer at the firm as “a doctor and personal injury lawyer” and has a link entitled “The Lawyer-Doctor edge” (February 28, 2018 Office Action, TSDR 28)
- RossFellerCasey law firm webpage contains the sub-heading “Our Team of Ivy League Educated Doctors” and describes its team as “consist[ing] of two of the nation’s leading physicians – one of whom is also a lawyer” (February 28, 2018 Office Action, TSDR 31)

Since it is common for lawyers to promote their legal services by advertising that they are also doctors, the Examining Attorney argues that the applied-for mark OUR LAWYERS ARE DOCTORS merely conveys an informational message about Applicant’s business, and does not distinguish Applicant’s services from those of others.

Applicant contends that it uses OUR LAWYERS ARE DOCTORS in a manner calculated to project a single source or origin for his services,⁴ arguing that the evidence “does not ‘demonstrate a competitive need for others to use’ this term” because only a “*de minimus*” number of attorneys who are physicians “use the phrase ‘our lawyers are doctors’ in their practice.”⁵

Applicant further argues that competitors would not be prejudiced by the registration of his applied-for mark because none of the evidence uses the exact phrase OUR LAWYERS ARE DOCTORS, citing for example, “CONSULT WITH AN ATTORNEY WHO HAS ALSO PRACTICED MEDICINE” and “TALK TO THE LAWYER WHO IS ALSO A DOCTOR.”⁶ Applicant’s argument ignores Gershon Willoughby & Getz’s webpage, which uses the exact phrase, as well as the several firms that use very similar phrases.

⁴ Applicant’s Appeal Brief (4 TTABVUE 5).

⁵ Applicant’s Appeal Brief (4 TTABVUE 7). Applicant argues that for a phrase, like the applied-for mark, to never act as a source identifier, requires overwhelming evidence which is a very high standard of proof for the USPTO to establish that his mark fails to function as a service mark. Applicant also argues that this case presents a “mixture of evidence” that does not rise to the required clear evidence showing that the phrase is incapable of trademark protection. Moreover, any doubt regarding failure to function should be resolved in Applicant’s favor. Applicant’s Appeal Brief (4 TTABVUE 5). However, the cases cited by Applicant in support of his argument include *In re Trek 2000*, 97 USPQ2d 1106 (TTAB 2010) and *In re Merrill Lynch, Pierce, Fenner, and Smith Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987). Those cases, unlike the present case, involved marks that were refused registration as generic terms. Here, Applicant’s mark is refused because the manner in which the applied-for mark is being used does not support a finding that potential consumers would perceive it as a trademark. See *In re Niagara Frontier Services, Inc.*, 221 USPQ 284 (TTAB 1983) (WE MAKE IT, YOU BAKE IT! held not merely descriptive, but refusal based on failure to function as a service mark affirmed).

⁶ Applicant’s Appeal Brief (4 TTABVUE 6) citing to February 28, 2018 Final Office Action at TSDR 14, 18. The page at TSDR 14 cited by Applicant also contains a subtitle entitled “Legal Assistance From A Lawyer Who Is A Doctor,” providing another example of the close association of “Lawyer” and “Doctor” by law firms involved in personal injury claims.

Additionally, Applicant notes that his search of the phrase “our doctors are lawyers” brings up three “hits” showing third parties using the phrase in their advertising.⁷ Since Applicant did not provide any information regarding either the terms used in his search request, or all of the search results identified by the search, the three results he identified have been considered, but are necessarily limited.

Looking at all of the evidence showing that lawyers commonly tout that they are also doctors, whether or not the exact phrase OUR LAWYERS ARE DOCTORS is used, we find that the proposed mark merely informs consumers that attorneys providing Applicant’s legal services are also doctors. There is nothing unusual about the phrase, its meaning or the way in which it is presented in connection with the identified legal services. Consumers will not perceive the applied-for mark as identifying the source of Applicant’s services. Rather, they will understand the wording to mean that Applicant’s lawyers are doctors.

Applicant argues that consumers are used to seeing the phrase “OUR _____ ARE _____” as a trademark or service mark despite the fact that it has some informational

⁷ The references are mentioned in Applicant’s February 6, 2018 Response to Office Action. In the Response, Applicant notes that the first reference is an advertisement for an attorney stating that “Two of our lawyers are doctors.” *See* <<http://leadinglawyers.com/attyprofile.cfm?TOCUID=1067497>>. The second reference is for a competitor’s ad using “the phrase ‘OUR LAWYERS ARE MEDICAL DOCTORS’ prominently in the header” followed by use of “**Our lawyers are doctors. . . .**” to begin a paragraph in the text. *See* <<https://medicalmalpracticedoctors.com/washington-birth-injury-malpractice-lawyers/>>. However, a copy of one page from that website containing the language “Our Lawyers are Medical Doctors,” was attached to the Response. The third reference is a page from <lawmd.com> was also submitted with the Response, TSDR 6, 35-36.

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context, citing registered trademarks using “this type of structure on the Federal Register, including:”⁸

PEOPLE ARE OUR POWER, Reg. No. 4988402

YOUR RESULTS ARE OUR REPUTATION, Reg. No. 5096697

SPECIALISTS ARE OUR SPECIALTY, Reg. No. 5049519

OUR PEOPLE ARE EVERYTHING, Reg. No. 5046691

KIDS ARE OUR WORLD, Reg. No. 4638536

BARGAINS ARE OUR BUSINESS, Reg. No. 4988167

AT EDC - ENZYMES ARE OUR BUSINESS, Reg. No. 4861845

AGENTS ARE OUR PRIORITY, Reg. No. 4772348

FUR, FEATHER, OR SCALES... PETS ARE OUR PURPOSE!, Reg. No. 4708183

HEARTS ARE THE CORE OF OUR PRACTICE, Reg. No. 4217841

OUR BALLS ARE HARDER, Reg. No. 3876979

SOLUTIONS ARE OUR BUSINESS, Reg. No. 5316450

OUR BOWLS ARE BETTER THAN THEIRS, Reg. No. 4243557

UNDERLAYMENTS ARE OUR BUSINESS, Reg. No. 4291471

OUR BOARDS ARE BETTER, Reg. No. 4175491

OUR PRODUCTS ARE STRONG, BUT OUR STRENGTH IS IN OUR PEOPLE., Reg. No. 3684482

OUR LEADS ARE SWEET, Reg. No. 3865652

⁸ Applicant’s Appeal Brief (4 TTABVUE 9). Registration No. 4040615 for the mark PEOPLE ARE OUR MOST IMPORTANT ASSETS! was cancelled on May 25, 2018 and has not been considered.

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OUR OPPORTUNITIES ARE ALWAYS GROWING, Reg. No. 4347062

OUR ASSETS ARE LIQUID, Reg. No. 3853506

“OUR CLIENTS ARE OUR FUTURE,” Reg. No. 3461797

“OUR EMPLOYEES ARE OUR FUTURE,” Reg. No. 3466660

OUR FRANKFURTERS ARE TASTIER THAN FILET MIGNON, Reg. No. 2653734

OUR CUSTOMERS ARE THE COOLEST, Reg. No. 2740048

These marks are different than Applicant’s mark. Only twelve of them have the same format as Applicant’s mark, and of those twelve, only four are comprised of “Our ____ Are ____.” As noted by the Examining Attorney, one of those registered marks consists entirely of descriptive wording, namely, “OUR BOARDS ARE BETTER” and is a laudatory term registered under § 2(f). The three remaining registered marks are suggestive and, as such, are not analogous to Applicant’s descriptive mark (*see B. Merely Descriptive* discussion below). Moreover, Applicant’s proposed mark contains two nouns both of which describe the same person, while none of the marks on which Applicant relies do so. In any event, each case must be decided on its own merits. Even if the marks in the cited registrations have some characteristics similar to Applicant’s applied-for mark, those registrations do not bind the Examining Attorney or the Board. *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001).

Finally, Applicant argues that the wording of his asserted mark is physically separate from the other textual matter.⁹ Applicant’s specimen shows the applied-for mark featured in the upper-right hand corner with the words OUR and ARE in gray lettering, and LAWYERS and DOCTORS in white lettering; Applicant contends that nothing else on the website uses this alternative coloring scheme; and it is not used in text within a paragraph or even below the practice name (shown below is the top portion of the full webpage submitted as Applicant’s specimen):



Applicant argues that OUR LAWYERS ARE DOCTORS “is set-aside from all informational matter, occupies its own real estate on the website and establishes itself as a source-identifier to consumers.”¹⁰ Applicant concludes that his “[c]lients perceive ‘Our Lawyers are Doctors’ as a source identifying phrase for legal services, pointing directly to Applicant.”¹¹ However, there is no evidence showing the perception of Applicant’s clients. More importantly, the placement of the proposed

⁹ Applicant’s Appeal Brief (4 TTABVUE 9).

¹⁰ Applicant’s Appeal Brief (4 TTABVUE 10).

¹¹ Applicant’s Appeal Brief (4 TTABVUE 11).

mark is not enough in itself to establish that it serves as a source identifier when it is so commonly used, informative and descriptive.

Even though a slogan may be used in the sale or advertising of services, it is not registrable unless it is used as a mark, namely, in a manner clearly calculated to project to purchasers or prospective purchasers encountering the notation in question in the applicable marketplace environment a single source or origin of the services in question. *In re Morganroth*, 208 USPQ 284, 287 (TTAB 1980). The more generalized or commonplace and widely used the matter is, the more likely it would be perceived as merely informational and the less likely it would be perceived as indicating the source of the relevant goods/services. *See In re Eagle Crest*, 96 USPQ2d at 1229.

It is well settled that statements including informational slogans that would ordinarily be used in business or in the particular trade or industry are not registrable. *See In re Hulting*, 107 USPQ2d at 1177 (“No More RINOs!” conveys a political slogan devoid of source-identifying significance and fails to function as a mark); *In re Eagle Crest*, 96 USPQ2d at 1232 (ONCE A MARINE, ALWAYS A MARINE would not be perceived as a trademark but rather as an informational slogan “to express support, admiration or affiliation with the Marines”); *In re Volvo Cars of N. Am., Inc.*, 46 USPQ2d 1455, 1460-61 (TTAB 1998) (DRIVE SAFELY not registrable because it would be perceived only as an everyday, commonplace safety admonition and not as a trademark for “automobiles and structural parts therefor”); *In re Manco, Inc.*, 24 USPQ2d 1938, 1942 (TTAB 1992) (THINK GREEN and design not registrable because it would be perceived only as an informational slogan

encouraging environmental awareness and not as a trademark for weather stripping and paper products). Based on the evidence submitted by the Examining Attorney showing fairly widespread use of similar phrases in advertising for legal services, Applicant's applied-for mark would be perceived as a merely informational slogan.

B. Merely Descriptive

In the alternative, registration of the applied-for mark was refused on the ground that if Applicant's Mark does function as a trademark, then it is merely descriptive of Applicant's services. We address this refusal in the event our decision is appealed.

A term is merely descriptive within the meaning of § 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), if it immediately conveys knowledge of a quality, characteristic, function, feature, purpose or use of the goods or services with which it is used. *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987). Whether a particular term is merely descriptive must be determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which the term is used, and the possible significance that the term is likely to have to the average prospective purchaser encountering the goods or services in the marketplace. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978); *In re Phoseon Technology Inc.*, 103 USPQ2d 1822, 1823 (TTAB 2012). It is settled that the question is not whether someone presented with only the applied-for mark could guess the identified services. Rather, the question is "whether

someone who knows what the [services] are will understand the mark to convey information about them.” *DuoProSS Meditech Corp. v. Inviro Medical Devices, Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012) (citing *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)); *In re Swatch Group Management Services AG*, 110 USPQ2d 1751, 1762 n.54 (TTAB 2014).

A descriptive term immediately and directly conveys some information about the services. See *Stoncor Grp., Inc. v. Specialty Coatings, Inc.*, 759 F.3d 1327, 111 USPQ2d 1649, 1652 (Fed. Cir. 2014) (citing *DuoProSS Meditech v. Inviro Med. Devices*, 103 USPQ2d at 1755). If, on the other hand, OUR LAWYERS ARE DOCTORS requires imagination, thought, and perception to arrive at the qualities or characteristics of the services, then the mark is suggestive. *In re MBNA America Bank N.A.*, 340 F.3d 1328, 67 USPQ2d 1778, 1780 (Fed. Cir. 2003); *In re Franklin County Historical Society*, 104 USPQ2d 1085, 1087 (TTAB 2012).

A combination of descriptive words may result in an arbitrary unitary designation which is registrable. Whether a term, such as OUR LAWYERS ARE DOCTORS, may achieve registration depends on whether, in combination, a new and different commercial impression is achieved and/or the term so created imparts a bizarre or incongruous meaning as used in connection with the goods or services. *In re Nat’l Shooting Sports Foundn., Inc.*, 219 USPQ 1018, 1020 (TTAB 1983); see also *Roux Labs., Inc. v. Clairol Inc.*, 427 F.2d 823, 166 USPQ 34 (CCPA 1970) (“The mere fact that a combination of words or a slogan is adopted and used by a manufacturer with the intent Clairol has manifested here—that it identify its goods and distinguish

them from those of others—does not necessarily mean that the slogan accomplishes that purpose in reality.”).

Here, as shown in Applicant’s specimen, the terms “lawyers” and “doctors” immediately convey information about Applicant’s legal services, i.e., the services are provided by lawyers/doctors (lawyers who are also doctors). Thus, the terms “lawyers” and “doctors” describe features or characteristics of Applicant’s legal services. That Applicant’s website refers to “Dr. Michael M. Wilson M.D., J.D.” in large letters near the top of the specimen underscores the descriptive significance of OUR LAWYERS ARE DOCTORS in relation to the services at issue. Consumers do not have to exercise “mature thought or follow a multi-stage reasoning process” to determine the characteristics of Applicant’s services. *In re N.C. Lottery*, 123 USPQ2d 1707, 1710 (Fed. Cir. 2017) (commercial context demonstrates that a consumer would immediately understand the intended meaning of FIRST TUESDAY; the evidence shows that the mark is less an identifier of the source of goods or services and more a description of a feature or characteristic of those goods or services); *In re Phoseon Tech.*, 103 USPQ2d at 1826. No imagination, thought or perception is needed to understand the nature of Applicant’s services. As set forth in Applicant’s specimen: “The Distinguishing Factor of Our Washington DC Medical Malpractice Team...Our principal attorney **Michael Wilson is both a lawyer and a physician**, with legal and medical degrees from” Therefore, when viewed in relation to the recited legal services Applicant’s proposed mark is merely descriptive. In short, the evidence of record leaves no doubt that the wording OUR LAWYERS ARE DOCTORS merely

describes Applicant's legal services which are provided by lawyers who are also doctors.

Alternatively, Applicant submits a claim of acquired distinctiveness under § 2(f) of the Trademark Act, 15 U.S.C. § 1052(f), based solely on use of the applied-for mark for at least five years.¹² While Applicant argues that the applied-for mark has acquired distinctiveness "as shown by over 13 years of use and the extensive goodwill built up by Applicant,"¹³ use of the mark "by over 13 years" and "extensive goodwill" is unsupported by any evidence. Applicant's claim of distinctiveness based on at least five years of use is unpersuasive. As shown in the specimen and discussed above, Applicant advertises and offers legal services by lawyers who are also doctors. Accordingly, the term OUR LAWYERS ARE DOCTORS is so descriptive of Applicant's services that much more than an affidavit of "at least five years of use" is required to show that the applied-for mark has become distinctive of Applicant's services. Applicant's § 2(f) claim of acquired distinctiveness is therefore not acceptable to overcome the § 2(e)(1) merely descriptive refusal. *In re La. Fish Fry Prods., Ltd.*, 797 F.3d 1332, 116 USPQ2d 1262, 1265 (Fed. Cir. 2015) (Board acted within its discretion in not accepting applicant's allegation of five years' use given the highly descriptive nature of the mark, as statute does not require the USPTO to accept five years' use as prima facie evidence of acquired distinctiveness); *In re*

¹² See July 27, 2017 Response to Office Action at TSDR 2. We note that claiming distinctiveness in the alternative is not an admission that the proposed mark is not inherently distinctive. *In re Mine Safety Appliances Co.*, 66 USPQ2d 1694, 1695 n.3 (TTAB 2002).

¹³ Applicant's Appeal Brief (4 TTABVUE11).

Thacker, 228 USPQ 961, 963 (TTAB 1986) (the term “SPORTING ARMS ORDNANCE TECHNICIAN” held highly descriptive so a “simple” affidavit of use was insufficient to show that the mark had become distinctive of applicant’s services).

Even if Applicant was the only user of OUR LAWYERS ARE DOCTORS (and the evidence reveals he is not), that does not negate the highly descriptive nature of the wording or suffice to establish acquired distinctiveness. *Apollo Med. Extrusion Techs., Inc. v. Med. Extrusion Techs., Inc.*, 123 USPQ2d 1844, 1854 (TTAB 2017); *see also In re Bailey Meter Co.*, 102 F.2d 843, 41 USPQ 275, 276 (CCPA 1939); *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1514-15 (TTAB 2016); *In re Carlson*, 91 USPQ2d 1198, 1203 (TTAB 2009).

Decision: The refusals to register Applicant’s applied-for mark OUR LAWYERS ARE DOCTORS under § 2(e)(1) are affirmed. Additionally, Applicant has not established that the applied-for mark has acquired distinctiveness under § 2(f) of the Trademark Act.