

This Opinion is Not a
Precedent of the TTAB

Mailed: January 30, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re SP Plus Corporation

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Serial No. 87906630

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Angelo J. Bufalino of Vedder Price PC,
for SP Plus Corporation.

David Tooley, Trademark Examining Attorney, Law Office 125,
Heather Biddulph, Managing Attorney.

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On Request for Reconsideration

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Before Kuhlke, Pologeorgis, and Dunn,
Administrative Trademark Judges.

Opinion by Dunn, Administrative Trademark Judge:

Pursuant to Rule 2.144 of the Trademark Rules of Practice, 37 C.F.R. § 2.144,
Applicant timely requests reconsideration of the Board's decision in this ex parte
appeal.

On August 11, 2023, the Board issued a final decision affirming the Examining
Attorney's refusal to register Applicant's proposed standard character mark

PARKING.COM for “website providing information regarding parking availability” on the Supplemental Register on the ground that it is generic as applied to, and incapable of distinguishing, the services under Trademark Sections 23 and 45, 15 U.S.C. §§ 15 U.S.C. §§1091(c), and 1127, and, in the alternative, merely descriptive without sufficient evidence of acquired distinctiveness to support registration on the Principal Register under Trademark Act Sections 2(e)(1), (f), and 45; 15 U.S.C. §§ 1052(e)(1), (f), and 1127.¹

The premise underlying a request for reconsideration is that based on the record evidence and the applicable law, the Board erred in reaching its decision. *In re Berkeley Lights, Inc.*, 2022 USPQ2d 1000, at *2 (TTAB 2022). A request may not be used to introduce into the record additional evidence or to reargue points presented in the requesting party’s brief on the case. Reconsideration should be limited to a demonstration that, based on the evidence properly of record and the applicable law, the Board’s decision is in error and requires appropriate change. *Id.*, and TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 543 and 1219.01 (June 2023) and cases cited therein.

Applicant alleges error warranting reconsideration with respect to the affirmance of both refusals. With respect to affirming the refusal that the mark is generic, Applicant alleges error in (i) the Board’s identification of the relevant consumer; (ii) the Board’s failure to identify evidence that PARKING.COM names a genus of

¹ 27 TTABVUE 1-82. References to the decision and Applicant’s request for reconsideration employ the TTABVUE citations, with the first number referring to the Board’s electronic docket entry and the second number referring to the page within the entry.

parking availability information websites; and (iii) the Board's failure to give proper weight to "the more than 6,000 documented customer interactions with Applicant's mark."² With respect to affirming the refusal that the mark is merely descriptive without sufficient evidence of acquired distinctiveness, Applicant alleges error in the Board's analysis of the degree and exclusivity of Applicant's use of PARKING.COM, the actual association of the mark, the amount and manner of advertising, and the sales of, and number of customers for, PARKING.COM services.³

While we have listed Applicant's alleged errors requiring reconsideration in the order Applicant listed them, we will address the Applicant's arguments regarding the acquired distinctiveness refusal first, and then turn to the arguments regarding the generic refusal.

- I. No errors in affirmance of refusal that PARKING.COM is merely descriptive of a parking availability information website and lacks acquired distinctiveness

With respect to errors in affirming the mere descriptiveness refusal for lack of acquired distinctiveness, Applicant does not allege error in the standard applied or that any record evidence was overlooked.⁴ Applicant contends that the Board erred

² 28 TTABVUE 3-10.

³ 28 TTABVUE 10-13.

⁴ Whether a mark has acquired distinctiveness considers six factors: (1) association of the mark with a particular source by actual purchasers (typically measured by customer surveys); (2) length, degree, and exclusivity of use; (3) amount and manner of advertising; (4) amount of sales and number of customers; (5) intentional copying; and (6) unsolicited media coverage of the product embodying the mark."). *Converse, Inc. v. ITC*, 909 F.3d 1110, 128 USPQ2d 1538, 1546 (Fed. Cir. 2018). Applicant submitted no surveys, no evidence of intentional copying, and no unsolicited media coverage, but relies on evidence pertinent to factors (1)-(4). Because we found, and Applicant did not contest, that PARKING.COM is highly descriptive of a parking availability information website, Applicant faces an elevated

in the probative weight accorded specific evidence. With respect to the degree and exclusivity of Applicant's use of PARKING.COM, Applicant contends that the Board "erroneously conflates third-party use of the term 'parking.com' as part of a domain name, webpage title, or trademark to conclude that Applicant's use of Applicant's Mark has not been exclusive" (28 TTABVUE 10) and the relevant consumer will not recognize third party use of "parking.com" unless the third-party uses PARKING.COM "as Applicant uses it" (28 TTABVUE 11).

This contention largely reiterates contentions regarding the treatment of third-party use that were addressed in the decision. As to the recognition of "parking" and "parking.com" in domain names, we found (27 TTABVUE 77-78) "[t]he rapid growth of the market for online parking availability information provides important context for consumer perception of PARKING.COM." More specifically, the decision cited other parking availability information websites which show that the relevant consumers encounter "parking" following the domain name as the last part of the URL, reinforcing that "parking" names the genus of the parking availability information on the webpage located at the domain (27 TTABVUE 12); Applicant's own use of PARKING.COM as its domain name identifying where its parking availability website is located (27 TTABVUE 37-38); "16 competing third-party parking availability information websites where the relevant consumer encounters parking availability information on webpages with 'parking.com' in the URL" (27

burden to establish acquired distinctiveness. *In re La. Fish Fry Prods.*, 797 F.3d 1332, 116 USPQ2d 1262, 1265 (Fed. Cir. 2015).

TTABVUE 39); “three third-party websites that offer parking availability information using a term on the website to identify the source of the online parking availability information, and then using the same term plus “parking.com” as their domain name (27 TTABVUE 40); and “11 third-party websites offering parking availability information that use “parking.com” on their webpage, as well as in their domain name” (27 TTABVUE 42). The decision found (27 TTABVUE 53) “the use of the parking.com domain names are integral to use of the parking websites and demonstrate that ‘parking.com’ names the genus of parking availability information website to the relevant consumer of the services.” *In re Udor U.S.A. Inc.*, 89 USPQ2d 1978, 1987 (TTAB 2009) (“[T]he practices in the trade and the realities of the marketplace would be most relevant in assessing applicant’s burden of proving that its product design configuration has become distinctive as a source-indicator.”).

As to the recognition of “parking” and “parking.com” in third-party marks, the decision also found (27 TTABVUE 52) that “Applicant’s argument fails to recognize that marks may include generic terms. That is, so long as some part of the mark is distinctive as a source indicator, the mark may be registered, usually with a disclaimer as to the generic term. *Royal Crown Co. v. Coca-Cola Co.*, 892 F.3d 1358, 127 USPQ2d 1041 (Fed. Cir. 2018).”

While we believe this was sufficient explanation why we accorded the evidence of third-party use the probative weight we did, we additionally point out that it is well settled that consumers may perceive descriptive terms when elided, displayed with punctuation, presented as compound terms, or misspelled. *See In re Omaha Nat’l*

Bank, 819 F.2d 1117, 2 USPQ2d 1859, 1860 (Fed. Cir. 1987) (“the word ‘FirstTier’ in appellant’s asserted mark is the phonetic equivalent of ‘first tier,’ a term which is merely descriptive of banking services”); *In re G. D. Searle & Co.*, 360 F.2d 650, 149 USPQ 619, 623 (CCPA 1963) (“At best, the evidence of record simply does not support appellant’s position that the addition of quotation marks to an otherwise common descriptive name converts it into a trademark.”); *In re ActiveVideo Network, Inc.*, 111 USPQ2d 1581, 1591 (TTAB 2014) (“We also note that minor variations, such as spacing and upper- versus lower-case letters, in the display of a generic term (e.g., ‘cloud TV,’ ‘Cloud TV,’ ‘CloudTV’ or ‘CLOUDTV’) typically are legally insignificant and do not avoid a finding of genericness.”); *In re Hubbard Milling Co.*, 6 USPQ2d 1239, 1240 (TTAB 1987) (“On this record, the relevant public is likely to understand applicant’s mark [MINERAL-LYX] as the phonetic equivalent of a genus of goods, namely, a livestock mineral supplement in lick form or a mineral lick.”).⁵

⁵ Similarly, in likelihood of confusion cases, combining a descriptive or generic term with a distinctive term does not prevent recognition of the descriptive or generic term. *See In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (“Accordingly, considering the marks in their entirety, but in view of the descriptive significance of ‘cell’ in registrant’s mark and the fact that the marks evoke similar overall commercial impressions, that of verifying, we conclude that the contemporaneous use of the mark CONFIRM and CONFIRMCELLS by different entities for the same or related goods is likely to result in purchaser confusion.”); *In re Energy Images, Inc.*, 227 USPQ 572, 573 (TTAB 1985) (“Accordingly considering the marks in their entirety, but in view of the descriptive significance of ‘scan’ in appellant’s mark, we conclude that the contemporaneous use of the marks SMART and SMART-SCAN by different entities for the same or related goods is likely to result in purchaser confusion.”); *In re Pierre Fabre S.A.*, 188 USPQ 691, 692 (TTAB 1975) (“Insofar as the marks are concerned, applicant’s mark ‘PEDI-RELAX’ incorporates the registered mark ‘RELAX’ in its entirety, and the addition thereto of the term ‘PEDI’, which immediately suggests feet and thereby the fact that applicant’s product is a foot deodorant lotion or cream, is insufficient to distinguish applicant’s mark as a whole from the registered mark and to avoid confusion in trade.”).

As a final point, Applicant itself “conflates” use of “parking.com” with other matter.



(27 TTABVUE 38)

As noted in our final decision (27 TTABVUE 73-74), “[a]ssuming, arguendo, the presence of PARKING.COM with the red car design in the large letter P in the upper left-hand corner is service mark use, we cannot know if it is the literal term ‘parking.com,’ or the design element, color, and stylization, which the relevant consumer would perceive as a mark.” In sum, we find no error in relying on the various third-party uses to support the finding that Applicant’s use of PARKING.COM in connection with online parking information availability services has not been exclusive. *In re Cordua Rests., Inc.*, 823 F.3d 594, 118 USPQ2d1632, 1634 (Fed. Cir. 2016) (“Evidence of the public's understanding of the mark may be obtained from any competent source”).

Applicant also alleges (28 TTABVUE 11) error in the Board’s finding that “the Vig declaration describes Applicant as ‘the leading provider of professional parking management services throughout North America,’ [but] it does not explain whether that is the same as being the leading provider of parking availability information

through a website, the services at issue here” because “in the very next paragraph of the Vig declaration, it clearly states that ‘SP Plus has used the trademark PARKING.COM in the United States and Canada continuously since 2018 with the provision of information regarding parking availability.’” The Board did not fail to consider that sentence, the sentence fails to connect the services listed in the application to the “professional parking management services” listed in the declaration. Stating that Applicant has used the mark on provision of information regarding parking availability services since 2018 does not equate to stating that Applicant is the leading provider of parking availability information through a website. We find no error.

Applicant alleges another error in the Board’s finding (27 TTABVUE 68) that “the degree of Applicant’s asserted trademark use is diluted by domain name or generic use.” To be clear, Applicant does not challenge all the evidence supporting this finding. Applicant does not mention the Board’s reliance on the 800,000 subscribers who receive Applicant’s communications in which “‘SP+ PARKING’ appears as the header of the communication and the communication is ‘signed’ SP+. In that subscriber communication, the term PARKING.COM is used generically, or as a domain name, and not a trademark: ‘However, you can easily manage your account online, through SP+’s Monthly Parker Management Portal at parking.com.’” (27 TTABVUE 72). Nor does Applicant contest the Board’s reliance on advertisements that Applicant prepares for its clients in which “[t]he presence of PARKING.COM in the upper left-hand corner, proximate to where the domain name usually appears in

the browser which linked to the webpage, does not create the perception of a mark (which appears to be Gem Realty in this advertisement) but the generic name or domain name for the parking website which provides Gem Realty customers with parking availability information.” (27 TTABVUE 73).

Applicant contests that the Board erred “in its assessment of Applicant’s physical, non-online evidence that Applicant’s Mark is a source indicator,” namely Applicant’s physical parking tickets and signage. (28 TTABVUE 8). The Board found “Applicant’s name SP+ PARKING appears on one side and the exhortation “Find parking at Parking.com” appears on the other. This display of Applicant’s name as a source indicator and Parking.com as the domain name or the generic name for a website for parking availability information is repeated in much of Applicant’s signage.” (27 TTABVUE 69). Applicant does not support its allegation of error with anything but its unsupported statement “Far from being a generic domain name, the juxtaposition of Applicant’s Mark with Applicant’s name reinforces that Applicant’s Mark is a source indicator.” (28 TTABVUE 8). We find no error in our finding that because Applicant itself uses PARKING.COM as its domain name and to inform relevant consumers how to access its website to obtain Applicant’ parking availability information services, Applicant’s asserted trademark use is diluted. *See In re Eilberg*, 49 USPQ2d 1955, 1957 (TTAB 1998) (“[T]he asserted mark WWW.EILBERG.COM merely indicates the location on the Internet where applicant’s Web site appears. It does not separately identify applicant’s legal services as such.”). We find no error.

Finally, Applicant asserts error because its evidence of advertising and sales were not found sufficient to rebut the evidence that PARKING.COM, as applied to Applicant's website providing information regarding parking availability, was -if not generic – highly descriptive of Applicant's services. Specifically, Applicant asserts "Applicant's successful marketing of Applicant's Mark and the public's embrace of Applicant's services offered under Applicant's Mark cannot be overstated." (28 TTABVUE 13). This point was fully addressed in the decision, that acknowledged that, "based on Applicant's promotional efforts and resulting success in attracting users to its website providing parking availability information, many relevant consumers have encountered the term "PARKING.COM." (27 TTABVUE 77).

The Board went on to find that the advertising and sales did not outweigh the evidence of "Applicant's own uses of PARKING.COM, especially the frequent association of the mark with "find parking at" [that] leads the relevant consumer to perceive PARKING.COM as naming a genus of website devoted to parking availability information or the domain name for a website devoted to parking availability information;" and the evidence of "similar efforts by some of the many other providers of online parking availability information," with the result that "the consumer of websites providing parking availability information services may encounter 'parking.com' when planning a trip to a school, or a baseball game or an office building, and the source may be the school or the sports venue, or a third-party provider such as Applicant." (27 TTABVUE 77-78). *Cf. In re Vox Populi Registry Ltd.*, 25 F.4th 1348, 2022 USPQ2d 115, *4 (Fed. Cir. 2022) ("Advertising and sales

volumes, while relevant, are not by themselves dispositive of how consumers perceive a mark.”). We find no error.

Having addressed Applicant’s arguments, we find no error in our affirmance of the refusal of registration because Applicant failed to demonstrate that PARKING.COM has acquired distinctiveness under Section 2(f) of the Act.

II. No errors in affirmance of refusal that PARKING.COM is a generic term for a parking availability information website

With respect to the genericness refusal, Applicant alleges error in the Board’s definition of the relevant consumer for Applicant’s services, its failure to give proper weight to evidence of relevant consumer perception of Applicant’s mark, and the finding that the relevant consumers understand PARKING.COM primarily to refer to the genus of services comprising a “website providing information regarding parking availability.”

As to the relevant consumer for Applicant’s services, the Board found (27 TTABVUE 6) “[b]ecause Applicant’s services are a website providing information regarding parking availability and its genus is the same, we find that the relevant consumers consist of consumers who seek parking availability information online.” The Board’s definition fits squarely into the test for genericness: “the primary significance of the mark to the relevant public limited to actual or potential purchasers of the goods or services.” *Magic Wand v. RDB, Inc.*, 940 F.2d 638, 19 USPQ2d 1551 (Fed. Cir. 1991).

However, Applicant contends (28 TTABVUE 4) the relevant consumer is “an individual with a need to acquire information regarding parking availability,”

because “the record contains ample evidence of that “advertisements, signage, physical tickets, mobile apps, and social media activity, *each of which allow an individual to interact with, and purchase, Applicant’s services.*” (*emphasis added*). There is not “ample” but zero record support for finding that the relevant consumer of Applicant’s “website providing information regarding parking availability” can purchase the services by seeing a physical sign or receiving the parking ticket issued when the consumer uses the parking found available online.

While, as we stated in our decision (27 TTABVUE 7), there may be overlap, those who “interact” with PARKING.COM by viewing Applicant’s physical signage on a public street, or receiving a ticket after acquiring parking, are not necessarily the relevant consumer for Applicant’s website providing parking availability information. The decision appropriately defined the relevant consumer as the consumer who would use the services. *See Royal Crown Co. v. Coca-Cola Co.*, 892 F.3d 1358, 127 USPQ2d 1041 (Fed. Cir. 2018) (“the parties do not dispute the Board’s determination of the relevant consuming public as “ordinary consumers who purchase and drink soft drinks, energy drinks, or sports drinks.”); *In re Serial Podcast, LLC*, 126 USPQ2d 1061 (TTAB 2018) (“The relevant public [for ‘entertainment in the nature of an ongoing audio program featuring investigative reporting, interviews, and documentary storytelling’] consists of ordinary listeners of audio programs.”). Based on the recitation of services, the relevant consumers access Applicant’s website and so are defined as “consumers who seek parking availability information online.” We find no error.

As to the Board’s failure to give proper weight to evidence of relevant consumer perception of Applicant’s mark, Applicant merely characterizes the evidence in a new unconvincing way. Applicant’s original argument, quoted in the decision, described “over 6,000 customer reviews as evidence that consumers use Applicant’s Mark to specifically identify Applicant as the source of Applicant’s parking availability information services.” 27 TTABVUE 56. We disagreed, and found “Applicant has not submitted over 6,000 customer reviews. Instead, Applicant submitted a webpage with 20 reviews under this header:



Applicant now drops its argument that it provided evidence of customer reviews showing use of PARKING.COM to identify Applicant as the source of its services. Instead, Applicant contends (28 TTABVUE 9) “the Board did not need to analyze each of the 6,882 customer reviews in order to make a conclusion about their significance” and “[o]n its face, Applicant’s submitting evidence shows a high level of engagement with its Mark.” Obviously, Applicant has switched gears and no longer contends that the Board erred in refusing to give probative weight to the phrase “6,882 reviews” for the purpose for which it was offered, “that consumers use Applicant’s Mark to

specifically identify Applicant as the source of Applicant's parking availability information services."

Applicant now alleges error because the Board did not consider the website excerpt, unsupported by testimony, for other purposes, namely demonstrating "a high level of engagement with its Mark." Again, we disagree that there was any error in refusing to accept a webpage printout for the truth of the statement "6,882 reviews" that appears on the page. *See Spiritline Cruises LLC v. Tour Mgmt. Servs. Inc.*, 2020 USPQ2d 48324, at *2 (TTAB 2020) ("we consider Internet printouts and other materials properly introduced under a notice of reliance without supporting testimony only for what they show on their face rather than for the truth of the matters asserted therein."). We acknowledge the Board is "more permissive regarding the use of hearsay in ex parte appeals" but the Board "may still consider the hearsay nature of evidence in assessing its probative value in an ex parte proceeding." *In re Embiid*, 2021 USPQ2d 577, at *5 n.19 (TTAB 2021).

Moreover, even if we decided that it would be impossible for the owner of the website to insert "6,882 reviews" on its webpage (which is obviously not the case), and found there must be some functional counter on the website which inserted "6,882 reviews" as an accurate measure of visitors to the site (though there is no factual foundation for such a finding), and also found that that every one of 6,882 visitors intended to rate the parking availability services (and there were no repeated or misdirected posts), we would not find this webpage excerpt demonstrates recognition of PARKING.COM as a mark. The website excerpt shows the red car design in the

large letter P and then Parking.com. It is speculation to say that “6,882 reviews” on the webpage demonstrates that thousands of consumers perceive PARKING.COM - identified immediately below with the Worldwide Web address icon as the domain for the site -and not the red car design in the large letter P as the source indicator for the services. We find no error.

Finally, we turn to Applicant’s allegation that the Board erred in failing to identify evidence that the relevant public understands PARKING.COM to identify a class of websites providing parking availability information. (28 TTABVUE 5-8). Before turning to Applicant’s allegations of error, we note that Applicant does not dispute the evidence showing, or the Board’s conclusion, that:

Applicant does not dispute that PARKING.COM is its domain name (27 TTABVUE 37).

The relevant consumers of a website providing parking availability information will perceive PARKING.COM as a domain name (27 TTABVUE 35);

The relevant consumers encounter “parking” following the domain name as the last part of the URL for parking information availability websites, reinforcing that “parking” names the genus of the parking availability information on the webpage located at the domain (27 TTABVUE 12);

There is no need to spell out to the relevant consumers of online parking availability information that a “parking” website does not actually offer parking and the term “parking” on a parking availability information website is a recognized shorthand for parking availability information (27 TTABVUE 16);

.COM identifies a top-level domain used in designating an Internet web address, and also a short hand reference to a company doing business online, i.e., from a website (27 TTABVUE 17-18);

To the relevant consumers of Applicant's parking availability information from a website, ".com" names a genus of websites, including websites providing information regarding parking availability (27 TTABVUE 50);

The relevant consumers encounter businesses that offer parking availability information from a website using "parking" on the website to name the genus of information, and then using "parking.com" in their domain name (27 TTABVUE 18);

The relevant consumer perceives the components "parking" and ".com" as generic as applied to a website providing parking availability information (27 TTABVUE 18);

A website offering parking availability information also is known by the generic term "parking website" (27 TTABVUE 31);

The relevant consumers of a website providing parking availability information understands that parking availability information will be found at a website; understands that the website is located at the domain name identified in the URL; and understands the URL will include a top-level domain, highly likely to be the ubiquitous ".com." (27 TTABVUE 34-35);

With respect to the evidence of sixteen third-party parking availability information websites that use "parking" as the genus of information on the webpage, and "parking.com" in the URL to indicate the genus of website as one with parking availability information (27 TTABVUE 27); the three third-party parking availability information websites that use a term on the website to identify the source of the online parking availability information, and then use the same term plus "parking.com" as their domain name (27 TTABVUE 39); and the 11 third-party websites offering parking availability information that use "parking.com" on their webpage, as well as in their domain name (27 TTABVUE 41), Applicant contends that this is not competent evidence of generic use because "the term 'PARKING.COM' appears nowhere without additional wording." 28 TTABVUE 5.

We will not reiterate our entire discussion of this same point in connection with the other refusal. The decision took some care to discuss the growth of parking availability information websites, and how they function, and concluded “the use of the parking.com domain names are integral to use of the parking websites and demonstrate that ‘parking.com’ names the genus of parking availability information website to the relevant consumer of the services.” (27 TTABVUE 53). We are aware of no case law, and Applicant supplies none, holding that use of a term in a compound such as a domain name or trademark precludes the term being recognized. In fact, the term PARKING.COM is a compound term, and Applicant does not dispute the finding that the relevant consumer would perceive PARKING.COM as comprising PARKING and .COM. We find no error in according probative weight to the third party uses of PARKING.COM, including in domain names and other compound terms such as trademarks.

Similarly, we need not repeat our discussion in response to Applicant’s assertion “the Board erred in its assessment of Applicant’s physical, non-online evidence that Applicant’s Mark is a source indicator,” referring to its physical parking tickets and signage. (28 TTABVUE 8). We found that “Applicant’s name SP+ PARKING appears on one side and the exhortation ‘Find parking at Parking.com’ appears on the other side of the parking ticket, and this use of PARKING.COM will be perceived as a domain name. (27 TTABVUE 69). Applicant does not offer any specific facts or legal support for its allegation of error, and we find none.

Applicant also alleges error in the Board's finding that forum posts and reviews on Applicant's website refer to "parking.com" as a parking availability information website or a domain name, citing the following examples (28 TTABVUE 7):

"I had trouble with the web version of parking.com...that evening I used the online tool to file a dispute,"

"I had an awful experience with parking.com...I called customer device [sic] that person was rude as well refused to refund/credit my purchase,"

"I...pulled into the public parking lot directly in front of the sign with the parking.com info on it,"

"I reserved a parking slot via parking.com...[t]ried to contact customer service,"

"I parked at the SP+ facility...I pre-purchased parking at this facility on park.com."

Applicant disputes that the relevant consumers were using PARKING.COM generically or as Applicant's domain name, "[e]ach of these users indicated that they have specifically interfaced with Applicant's website (and not another parking information website). These users were highly engaged with Applicant's webpage, the quality of Applicant's services, and with Applicant itself." (28 TTABVUE 6). We agree that the consumer knew the source of the services which were the subject of their post or review, but disagree that by posting on Applicant's website they recognized PARKING.COM and not SP+ or the red car and large letter P design as the source indicator for those services. We find no error in the probative weight given the forum posts and reviews.

Applicant also alleges error because "the Board disregarded evidence of the third-party entities with which Applicant has partnered to deliver Applicant's services to

consumers.” (28 TTABVUE 7). The Board did not disregard the evidence, but explained “the support for this statement lacks persuasive detail,” finding “[t]he declaration offers no facts in support of the conclusion in the brief that these ten clients recognize PARKING.COM as more than a generic reference to a parking availability information website, or Applicant’s domain name.” (27 TTABVUE 67). Again, we find no error.

Having addressed Applicant’s arguments, we find no error in our affirmance of the refusal of registration on the ground that the proposed mark PARKING.COM is generic as applied to Applicant’s services.

Applicant’s request for reconsideration is denied as to both refusals.