

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Oral Hearing: September 10, 2020

Mailed: September 30, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

—————
In re Committee on Advanced Tuition Payment
—————

Serial Nos. 88079982 and 88079989
—————

Roger A. Gilcrest of Ice Miller LLP,
for Committee on Advanced Tuition Payment.

Obieze Mmeje, Trademark Examining Attorney, Law Office 122,
Kevin Mittler, Managing Attorney.

—————
Before Wolfson, Pologeorgis, and English,
Administrative Trademark Judges.

Opinion by Pologeorgis, Administrative Trademark Judge:

Committee on Advanced Tuition Payment (“Applicant”) seeks registration on the
Principal Register of the standard character mark WA529¹ and the composite mark

WA529
WASHINGTON COLLEGE SAVINGS PLANS

(WASHINGTON COLLEGE SAVINGS PLANS disclaimed)² both

—————
¹ Application Serial No. 88079982, filed on August 15, 2018, based on an allegation of use in commerce under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), and claiming April 24, 2018 as both the date of first use and the date of first use in commerce.

² Application Serial No. 88079989, filed on August 15, 2018, based on an allegation of use in commerce under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), and claiming April 24, 2018 as both the date of first use and the date of first use in commerce. The description

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for “Pre-paid educational financial services, namely, allowing purchasers to make advance payments towards future continuing education, and providing information relating to education financing” in International Class 36.

The Trademark Examining Attorney refused registration of each of Applicant’s marks under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 1052(e)(2), on the ground that each mark, in its entirety, is primarily geographically descriptive of the identified services.

When the refusals were made final, Applicant appealed and requested reconsideration in each of its involved applications. When the requests for reconsideration were denied, the appeals resumed. The appeals are fully briefed. After Applicant submitted its appeal briefs, the Board granted Applicant’s motion to consolidate the appeals.³ We therefore decide both appeals in a single opinion. An oral hearing was held on September 10, 2020 for this consolidated appeal. For the reasons explained below, we affirm the refusals to register.⁴

of the mark reads as follows: “The mark consists of a stylized version of the letters/numbers ‘WA529’ over the words ‘WASHINGTON COLLEGE SAVINGS PLANS.’” Color is not claimed as a feature of the mark.

³ 8 and 9 TTABVue in Application Serial No. 88079982.

⁴ Unless otherwise specified, all TTABVue and Trademark Status and Document Retrieval (“TSDR”) citations reference the docket and electronic file database for Application Serial No. 88079982. All citations to the TSDR database are to the downloadable PDF version of the documents.

I. Primarily Geographically Descriptive – Applicable Law

In order for registration to be refused under Section 2(e)(2) of the Trademark Act, on the ground that the mark is primarily geographically descriptive of the goods or services, it must be established that:

1. the primary significance of the term in the mark sought to be registered is the name of a place generally known to the public;
2. the origin of the services is the place named in the mark; and
3. the public would make an association between the services and the place named in the mark by believing that the services originate in that place.

In re Newbridge Cutlery Co., 776 F.3d 854, 113 USPQ2d 1445, 1448 (Fed. Cir. 2015); *see also In re Societe Generale des Eaux Minerals de Vittel S.A.*, 824 F.2d 957, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); *In re Hollywood Lawyers Online*, 110 USPQ2d 1852, 1853 (TTAB 2014). The third inquiry, or goods/services-place association, can be presumed when the goods/services do in fact emanate from the place named in the mark. *Hollywood Lawyers Online*, 110 USPQ2d at 1853; *In re JT Tobacconists*, 59 USPQ2d 1080, 1082 (TTAB 2001) (“[W]here there is no genuine issue that the geographical significance of a term is its primary significance, and where the geographical place named by the term is neither obscure nor remote, a public association of the goods or services with the place may ordinarily be presumed from the fact that the applicant’s goods or services come from the geographical place named in the mark.”).

As clarified by the U.S. Court of Appeals for the Federal Circuit, “the geographical significance of the mark is to be assessed as it is used on or in connection with the

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goods [or services].” *Newbridge Cutlery*, 113 USPQ2d at 1448. Moreover, the addition of highly descriptive matter to a geographic term does not detract from the mark’s primary significance as being geographically descriptive. *See In re U.S. Cargo, Inc.*, 49 USPQ2d 1702 (TTAB 1998) (finding that the mark U.S. CARGO for “towable trailers for carrying cargo and vehicles and for commercial purposes” to be primarily geographically descriptive); *In re Cambridge Digital Sys.*, 1 USPQ2d 1659 (TTAB 1996).

II. Evidence and Arguments

In support of the Section 2(e)(2) refusals, the Examining Attorney submitted the following evidence:

- Dictionary definitions of the abbreviation/acronym “WA” which is defined as the U.S. state of Washington;⁵
- Screenshot from the Columbia Gazetteer of the World discussing the state of Washington, including its population, geographic location, largest cities, and nickname, i.e., the Evergreen State;⁶
- Screenshot from the U.S. Securities and Exchange Commission website www.sec.gov defining a “529 plan” as a “tax-advantaged savings plan designed to encourage saving for future education costs”;⁷
- Screenshot from the website www.fidelity.com stating, inter alia, that “A 529 plan is an education savings plan sponsored by a state or state agency.”;⁸

⁵ December 12, 2018 Office Action, TSDR pp. 5-6 (www.acronymfinder.com and www.merriam-webster.com); July 5, 2019 Final Office Action, TSDR p. 15 (www.vocabulary.com)

⁶ December 12, 2018 Office Action, TSDR p. 7.

⁷ *Id.*; TSDR p. 8.

⁸ *Id.*; TSDR p. 9.

- Copies of third-party registrations for the marks NC 529, NY'S 529 COLLEGE SAVINGS PROGRAM, and LONESTAR 529 PLAN, all registered under Section 2(f) of the Trademark Act in their entirety and including disclaimers to: 529, 529 COLLEGE SAVINGS PROGRAM, and 529 PLAN respectively;⁹
- Screenshot from the website www.savingforcollege.com stating that “[a] 529 plan is a college savings plan that offers tax and financial aid benefits. 529 plans may also be used to save and invest for K-12 tuition. There are two types of 529 plans: college savings plans and prepaid tuition plans. Almost every state has at least one 529 plan. There is also a 529 plan operated by a group of private colleges and universities.”;¹⁰ and
- Screenshots from the websites www.nc529.org, www.az529.gov, www.pa529.com, www.hi529.com; and www.virginia529.com, discussing the available 529 plans in the states of North Carolina, Arizona, Pennsylvania, Hawaii, and Virginia, respectively.¹¹

Additionally, the Examining Attorney points to Applicant’s involved applications that demonstrate that Applicant is a state agency domiciled in the state of Washington.¹² The Examining Attorney also notes that Applicant’s own specimens include a screenshot from Applicant’s website advertising Applicant’s services that reads in pertinent part, “Created for Washington state residents.”¹³ The relevant portion of Applicant’s website submitted as a specimen is reproduced below:¹⁴

⁹ July 5, 2019 Final Office Action; TSDR pp. 6-14.

¹⁰ *Id.*, TSDR p. 16

¹¹ *Id.*, TSDR pp. 17-21.

¹² Examining Attorney’s Brief, p. 6; 10 TTABVUE 7.

¹³ *Id.* at p. 8; 10 TTABVUE 7.

¹⁴ The blue left-pointing arrow depicted in the specimen, highlighting the words “Created for Washington state residents,” was inserted by the Board for emphasis.



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Based on the foregoing evidence, the Examining Attorney argues that: (1) the state of Washington is a generally known location to the relevant consuming public; (2) the letters “WA” are a commonly used abbreviation for the state of Washington; (3) the number “529” refers to an identified tax advantaged savings plan designed to encourage saving for future education costs that are sponsored by states, state agencies, or educational institutions and are authorized by Section 529 of the Internal Revenue Code; and (4) Applicant resides in the state of Washington and offers its services to residents of the state of Washington.

Moreover, with respect to the composite mark , the Examining Attorney notes that Applicant has disclaimed the wording “WASHINGTON COLLEGE SAVINGS PLANS” in the mark. Therefore, the Examining Attorney maintains that Applicant has acknowledged that “WASHINGTON” is primarily geographically descriptive and the wording “COLLEGE SAVINGS PLANS” is highly descriptive.

For these reasons, the Examining Attorney concludes that Applicant’s involved WA529 and  marks immediately and directly convey to consumers that Applicant provides 529 prepaid tuition plans in the state of Washington for residents of Washington and, thus, the marks, in their entireties, are primarily geographically descriptive of Applicant’s identified services.

In challenging the refusals, Applicant maintains that the designation “WA529” is a whimsical or fanciful mark or, alternatively, at least only suggestive of Applicant’s identified services.¹⁵ Applicant also asserts that the designation “WA529” is a five-character term comprising letters and numbers of no discernible pattern that does not even suggest a geographic significance.¹⁶ Applicant further contends that the wording “WA529” is not a postal code, zip code or any other known geographic indicator or abbreviation.¹⁷ Additionally, Applicant argues that there is no evidence

¹⁵ Applicant’s Appeal Brief, p. 5; 7 TTABVUE 6.

¹⁶ *Id.* at p. 8; 7 TTABVUE 9.

¹⁷ *Id.*

of record as to the meaning of this term considered as a wholly unitary term.¹⁸ Applicant also argues that the Examining Attorney improperly dissected portions of the designation “WA529” to arrive at the conclusion that the designation is primarily geographically descriptive. Specifically, Applicant contends that the dissection of the phrase “WA529” into two terms, i.e., WA and 529, “disrupts the singular, unnatural and whimsical commercial impression of the subject term.”¹⁹

Finally, Applicant argues that the Examining Attorney has not properly considered all of the evidence submitted by Applicant, namely, various third-party registrations and applications, as well as an online article that purportedly uses WA529 as a source indicator for Applicant’s identified services.²⁰ Applicant maintains that this evidence demonstrates that consumers of relevant 529-amalgamated marks do not automatically perceive and interpret such marks through mental dissection, but rather are conditioned to perceive such marks as a whole regardless of the inclusion of what otherwise might be descriptive terms, numerals or abbreviations.²¹

We are not persuaded by Applicant’s arguments. We initially disagree with Applicant’s argument that the Examining Attorney did not properly consider the evidence submitted by Applicant marked as Exhibits A-H and J-K, which consist of third-party applications and registrations that Applicant asserts show the non-geographic meaning of the term “WA529” in the applied-for marks. First, the

¹⁸ *Id.*

¹⁹ *Id.* at p. 12; 7 TTABVUE 13.

²⁰ *Id.* at p. 15; 7 TTABVUE 16.

²¹ *Id.*

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following registrations submitted by Applicant are canceled and/or expired: (1) Exhibit D – Registration No. 3415455 (529CONNECT); (2) Exhibit E - Registration No. 3539491 (529ANDMORE.COM); and (3) Exhibit H – Registration No. 3317489 (SMART529 THE COLLEGE SAVINGS SOLUTION and design). Canceled or expired third-party registrations have no probative value other than as evidence that the registrations were issued. *See Action Temp. Servs. Inc. v. Labor Force Inc.*, 870 F.2d 1563, 10 USPQ2d 1307, 1309 (Fed. Cir. 1989); *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1745 (TTAB 2018), *aff’d per curiam*, 777 F.App’x 516, (Fed. Cir. 2019); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 704.03(b)(1)(A) (2020). Therefore, the canceled and expired registrations submitted by Applicant have no probative value with respect to the ultimate issue of whether the designation “WA529” in the applied-for marks is primarily geographically descriptive of Applicant’s identified services.²²

We further note that the third-party applications marked as Exhibit A – Application Serial No. 85601727 (M529), Exhibit C – Application Serial No. 77009642 (MY529), Exhibit G – Application Serial No. 78340408 (529GIFT), Exhibit J – Application Serial No. 87931599 (TRADE UP TO WA), and Exhibit K – Application Serial No. 7842897 (WAMOOLA) are currently abandoned. Application Serial No. 87234034 (WAAS), also submitted under Exhibit K, is a pending application that has

²² Even if we were to consider these canceled and expired registrations, we find that the marks subject to these registrations contain distinctive matter capable of being registered on the Principal Register without a showing of acquired distinctiveness, as compared to Applicant’s involved marks.

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not been granted registration. Third-party applications, whether active or abandoned, are evidence only that the applications were filed. *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1089 (TTAB 2016); *see also In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1270 n.8 (TTAB 2009); TBMP § 1208.02; TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 710.03 (Oct. 2018). Therefore, the aforementioned third-party applications are not evidence of use of the marks therein and have no probative value with respect to the ultimate issue of whether the term “WA529” in the applied-for marks is primarily geographically descriptive.

Applicant submitted live, third-party registrations under Exhibits B, F, and K. With regard to the registrations submitted under Exhibit B – Registration No. 2758372 (SMART529) and Exhibit F – Registration 3810312 (529WORKS and design), Applicant argues that these registrations were allowed to register on the Principal Register without the dissection of the term “529.” We are unpersuaded by Applicant’s argument. While the marks in the aforementioned registrations contain the number “529” used in association with services similar to Applicant’s, both of the marks in the referenced registrations contain additional distinctive wording and/or design elements. We further note that the term “529” is disclaimed in Registration No. 2758372 (SMART529). Additionally, these registrations are not similar to the applications at issue because they do not merely contain geographically descriptive matter and/or highly descriptive matter coupled with the number “529” like the applied-for marks. Therefore, the marks featured in the above-referenced

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registrations submitted by Applicant as Exhibits B and F are not analogous to the applied-for marks.

With regard to the remaining live, third-party registrations submitted by Applicant under Exhibit K, i.e., (1) Registration No. 5542546 (WAFD); (2) Registration No. 5711945 (WASHTRUST); (3) Registration No. 4931965 (WASHU); (4) Registration No. 5421627 (WALRAA); (5) Registration No. 4933664 (WAHS); and (6) Registration No. 5050982 (WALI), we find that each of the aforementioned registrations convey distinctive overall commercial impressions that nullify any potential geographic descriptiveness of the embedded lettering “WA” or “WASH.”

But even if one were to argue that some of these registered marks have a geographic significance, the bare fact that the USPTO allowed six marks to register is of little persuasive value and does not dictate the result in this case. When a mark is refused registration, and the applicant appeals, we must decide the case based on the record in that case in accordance with the governing statutory standard. We are not estopped or precluded from applying the statute because in a prior application an examining attorney (or attorneys) may have overlooked a relevant statutory provision and, perhaps erroneously, allowed an application to register. *See, e.g., 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.”); *In re Shinnecock Smoke Shop*, 571 F.3d 1171, 91 USPQ2d 1218, 1221 (Fed. Cir. 2009)

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“Even if all of the third-party registrations should have been refused registration under section 1052(a), such errors do not bind the USPTO to improperly register Applicant’s marks.”) (citation omitted); *In re Boulevard Entm’t, Inc.*, 334 F.3d 1336, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003) (“The fact that, whether because of administrative error or otherwise, some marks have been registered even though they may be in violation of the governing statutory standard does not mean that the agency must forgo applying that standard in all other cases.”).

Applicant asserts that the term “WA529” is “so starkly unusual that its meaning is not readily discernible to the average consumer” of Applicant’s services and further contends that “[i]ts letters and numbers do not suggest any natural division of the term into constituent portions.”²³ However, Applicant’s contentions are inconsistent with the evidence of record.

As an initial matter, determining the descriptiveness of a mark is done in relation to an applicant’s goods or services, the context in which the mark is being used, and the possible significance the mark would have to the average purchaser because of the manner of its use or intended use. *See In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (citing *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); TMEP §1209.01(b). Descriptiveness of a mark is not considered in the abstract. *In re Bayer Aktiengesellschaft*, 82 USPQ2d at 1831.

²³ Applicant’s Appeal Brief, p. 8; 7 TTABVUE

Moreover, as noted above, the addition of generic or highly descriptive wording to a geographic word or term does not diminish that geographic word or term's primary geographic significance. *See, e.g., In re Hollywood Lawyers Online*, 110 USPQ2d at 1853-54 (holding HOLLYWOOD LAWYERS ONLINE primarily geographically descriptive of attorney referrals, online business information, and an online business directory); *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1920 (TTAB 2008) (holding NORMANDIE CAMEMBERT primarily geographically descriptive of cheese).

Here, Applicant's involved applications along with the evidence of record clearly establish the following: (1) the lettering "WA" in the applied-for marks is a commonly used abbreviation for the state of Washington; (2) the state of Washington is a generally known geographic location; (3) Applicant is domiciled in the state of Washington; (4) the phrase "529 plan" is commonly used to identify tax advantaged college savings plans or prepaid tuition plans and, therefore, the designation "529" is, at a minimum, merely descriptive of Applicant's identified services; (5) Applicant is a provider of 529 prepaid tuition plans and provides such plans specifically for residents of the state of Washington; and (6) Applicant's own mark WA529 WASHINGTON COLLEGE SAVINGS PLANS on its face informs consumers that Applicant provides college savings plans in the state of Washington.

The evidence of record leaves no doubt that the term "WA 529" (two-word term) is, at the very least, primarily geographically descriptive of Applicant's services. The mere alteration of "WA 529" to form the designation "WA529" does not result in an inherently distinctive or fanciful mark. In considering the evidence of record we

recognize that there is no use of “WA529” as one term. Nonetheless, the clear and, in fact, only connotation of the applied-for designation is as an equivalent to “WA 529” when viewed in the context of the identified services. Whether shown as two typed terms or one unitary term, both versions would be pronounced the same, are similar in appearance (relevant consumers are unlikely to notice the lack of a space) and viewed as having the same connotation. There is nothing unique or incongruous about contracting “WA 529” into the one-word designation “WA529.” The mere deletion of a space between the typed terms “WA” and “529” is not enough to turn a primarily geographically descriptive mark into a registrable mark. *Cf. Cummins Engine Co., Inc. v. Continental Motor Corp.*, 359 F.2d 892, 149 USPQ 559 (CCPA 1966); *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987); *In re Wickerware, Inc.*, 227 USPQ 970 (TTAB 1985). Therefore, when viewed in relation to Applicant’s services, the term “WA529” immediately and directly conveys to consumers that Applicant provides 529 prepaid tuition plans in the state of Washington for residents of the state of Washington.

Applicant’s own evidence supports this position. Applicant submitted an online article from the website www.lairdnortonwm.com titled “Switch from GET to WA 529 Plan? A Big Incentive to Convert.”²⁴ Throughout the article the designation WA529 appears as two words, i.e., WA 529. Applicant argues that this article demonstrates

²⁴ June 12, 2019 Response to Office Action, Exhibit I, TSDR pp. 51-52.

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service mark use of its applied-for marks.²⁵ Thus, Applicant itself sees no difference between the commercial impressions of the designations “WA529” and “WA 529.”

Further, the Board has held that if the most prominent meaning or significance of a mark is geographic for the services in the application, as we find here, the fact that the mark may have other meanings in other contexts does not alter its geographic significance in the context of the application. *See In re Opryland USA Inc.*, 1 USPQ2d 1409, 1412-13 (TTAB 1986) (holding the mark THE NASHVILLE NETWORK primarily geographically descriptive of television program production and distribution services when finding that the primary significance of the term referred to Nashville, Tennessee and not that of a style of music); *In re Cookie Kitchen, Inc.*, 228 USPQ 873, 874 (TTAB 1986) (noting that where MANHATTAN refers to a type of cocktail and to a geographic location that having an alternative meaning does not alter the mark’s primary geographic significance in the context of the goods in the application); *In re Jack’s Hi-Grade Foods, Inc.*, 226 USPQ 1028, 1029 (TTAB 1985) (noting that where NEAPOLITAN refers to a type of ice cream and also means “pertaining to Naples, Italy” that having an alternative meaning does not alter the mark’s primary geographic significance in the context of the goods in the application).

We also note that the Examining Attorney submitted three third-party registrations for marks using a combination of a state abbreviation or a well-recognized state nickname and the term “529,” i.e., NC 529, NY’S 529 COLLEGE

²⁵ Applicant’s Appeal Brief, p. 16; 7 TTABVUE 17.

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SAVINGS PROGRAM, and LONESTAR 529 PLAN,²⁶ in connection with services identical to those offered by Applicant where the marks have been registered under Section 2(f) of the Trademark Act based on a showing of acquired distinctiveness. Third-party registrations featuring services the same as or similar to Applicant's services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. *See Inst. Nat'l des Appellations D'Origine v. Vintners Int'l Co.*, 958 F.2d 1574, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006); *In re Finisar Corp.*, 78 USPQ2d 1618, 1621 (TTAB 2006).

In light of this evidence, we find that the designation "WA529" is not inherently distinctive and requires a showing of acquired distinctiveness to be registered on the Principal Register. As discussed above, the evidence demonstrates that the meaning of "WA529" is geographic for Applicant's services, namely, that Applicant provides 529 prepaid tuition plans in the state of Washington for residents of the state of Washington.

Finally, we find unavailing Applicant's argument that the third-party uses of the designations NC 529, AZ529, HI529, Virginia529, and PA529 submitted by the Examining Attorney demonstrate that these marks are not primarily geographically descriptive because they are employed as source-indicators in commerce.²⁷

²⁶ July 5, 2019 Final Office Action; TSDR pp. 6-14.

²⁷ Applicant's Appeal Brief, p. 17; 7 TTABVUE 18.

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Significantly, Applicant's argument makes the erroneous presumption that the mere use of these terms in commerce as service marks deems such marks capable of registration on the Principal Register. However, regardless of their use in commerce, terms that are primarily geographically descriptive of the origin of an applicant's goods and/or services, such as the applied-for marks WA529 and WA529 WASHINGTON COLLEGE SAVINGS PLANS, are refused registration on the Principal Register absent a showing of acquired distinctiveness under Section 2(f), Trademark Act Section 2(e)(2), 15 U.S.C. § 1052(e)(2); *see also* TMEP §§ 1210, 1210.01(a), 1212.

II. Conclusion

We have carefully considered all arguments and evidence of record. We find that Applicant's WA529 and  marks identify a well-known geographic location from where Applicant's services originate and that purchasers would make a services/place association between Applicant's services and the place named in the mark. The addition of the descriptive, if not generic, terms "529," and "Washington College Savings Plans" in the composite mark, does not detract from the marks' primary significance as being geographically descriptive. Because the elements of the Section 2(e)(2) refusal have been established, we find that the Examining Attorney has demonstrated that Applicant's marks are primarily geographically descriptive of Applicant's identified services.²⁸

²⁸ In its appeal brief, Applicant asserts that it "reserves the right to seek registration under

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and the composite mark  under Section 2(e)(2) of the Trademark Act are affirmed.

Trademark Act, Section 2(f), 15 U.S.C. § 1052(f) to the extent applicable, and to further amend the application as may be required whether to seek registration on the Principal or Supplemental Register." *See* Applicant's Appeal Brief p. 19; 7 TTABVUE 20. Insofar as Applicant did not pursue a remand of its involved applications to seek registration under Section 2(f) of the Trademark Act or to amend its applications to seek registration on the Supplemental Register, we have given no consideration to Applicant's allegations regarding its reservation of rights.