This order is not a precedent of the TTAB

Mailed: July 29, 2026

TLC

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Sozosei Foundation

Serial No. 97351330

REMAND

B. Brett Heavner and Daniel S. Stringer of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.,
for Sozosei Foundation.

Trenton Davis, Trademark Examining Attorney, Law Office 109,
Michael Kazazian, Managing Attorney.

Before Lykos, Elgin, and Casagrande,
Administrative Trademark Judges.

By The Board:

On March 11, 2023, Applicant Sozosei Foundation filed an application to register on the Principal Register the standard character mark MENTAL ILLNESS IS NOT A CRIME for the services identified below:[1]

[1] Application Serial No. 97351330 was filed under filed under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), alleging a bona fide intent to use the mark in commerce.

> "downloadable electronic publications, namely, newsletters and reports featuring information in the field of mental health and mental illness" in International Class 9;
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> "charitable grantmaking, namely, providing grants to non-profit organizations in the field of mental health and mental illness; charitable grantmaking, namely, providing grants to non-profit organizations working to decriminalize mental health and mental illness through resources such as mental health care, education, arts, and communications in the field of mental health and mental illness," in International Class 36; and
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> "providing online information in the field of mental health and mental illness accessible by means of a website and social media web-based applications" in International Class 44.

Applicant has appealed the Trademark Examining Attorney's final refusal to register the mark on the ground that MENTAL ILLNESS IS NOT A CRIME "is a slogan or term that does not function as a trademark or service mark to indicate the source of applicant's goods and/or services and to identify and distinguish them from others. Trademark Act Sections 1, 2, 3, and 45, 15 U.S.C. §§1051-1053, 1127."[2] The appeal has been fully briefed and, on July 16, 2026, the Board held an oral hearing pursuant to Trademark Rule 2.141(e), 37 C.F.R. § 2.141(e).[3]

Trademark Rule 2.142(f)(1), 37 C.F.R. § 2.142(f)(1), provides that:

> If, during an appeal from a refusal of registration, it appears to the Trademark Trial and Appeal Board that an issue not previously raised may render the mark of the appellant unregistrable, the Board may suspend the appeal and remand the application to the examining

[2] January 15, 2025, Final Office Action.

[3] *See* 18 TTABVUE.

> attorney for further examination to be completed within the time set by the Board.

After careful review of the record and briefs, and having heard oral argument, the Board has determined it appropriate to remand the application to the Examining Attorney to consider whether to refuse registration under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that Applicant's mark is merely descriptive of the identified goods and services.

Thus, in accordance with Trademark Rule 2.142(f), we suspend the appeal and remand the application to the Examining Attorney for further examination to be conducted **within thirty (30) days of the mailing date of this order**. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") § 1209.01 (2026).

If the further examination does not result in an additional ground for refusal of registration under Section 2(e)(1) of the Act, the Examining Attorney shall promptly return the application to the Board, for resumption of the appeal, with a written Office Action (omitting the three-month response clause) that further examination did not result in an additional ground for refusal of registration, and maintain and continue the final refusal on the ground that the proposed mark fails to function as a source identifier. *See* Trademark Rule 2.142(f)(2), 37 C.F.R. § 2.142(f)(2). The Board will thereafter decide the appeal in due course.

If the further examination does result in an additional ground for refusal of registration, the Examining Attorney and Applicant shall proceed as provided by Trademark Rules §§ 2.61, 2.62, and 2.63. *See* Trademark Rule 2.142(f)(3), 37 C.F.R.

§ 2.142(f)(3). If a Section 2(e)(1) refusal is made final, the Examining Attorney shall return the application to the Board, which shall thereupon issue an order allowing Applicant sixty (60) days from the date of the order to file a supplemental brief limited to the additional ground for the refusal of registration. *Id.* If the supplemental brief is not filed by the Applicant within the time allowed, the appeal may be dismissed. *Id.*

If Applicant files a supplemental brief, the Examining Attorney shall, within sixty (60) days after the supplemental brief of the Applicant is sent to the Examining Attorney, file with the Board a written brief answering the supplemental brief of Applicant and shall email a copy of the brief to the Applicant. *See* Trademark Rule 2.142(f)(4), 37 C.F.R. § 2.142(f)(4). The Applicant may file a reply brief within twenty (20) days from the date of emailing of the brief of the Examining Attorney. *Id.*

Following supplemental briefing, an oral hearing on the new ground for refusal may be requested. *See* Trademark Rule 2.142(f)(5), 37 C.F.R. § 2.142(f)(5).

The Examining Attorney is reminded that the scope of the remand is limited solely to whether to also refuse registration on the additional ground identified above. The Examining Attorney should not issue a new ground for refusal or requirement not specified in this order, nor should the Examining Attorney supplement the record on other issues or advance any new arguments regarding the original refusal.[4] *See*

[4] If the Examining Attorney, upon remand, wishes to make a requirement or refuse registration on a new ground not specified in this order, the Examining Attorney must file a request with the Board, pursuant to Trademark Rule 2.142(f)(1), 37 C.F.R. § 2.142(f)(6), for jurisdiction to make a requirement or refuse registration on the new ground. Similarly, if the Examining Attorney wishes to submit additional evidence regarding the currently-existing refusal, the Examining Attorney must file a request with the Board for jurisdiction to submit

TBMP § 1209.01. Likewise, Applicant's response to any nonfinal Office action issued on remand must be limited to the matters raised in that Office action.

additional evidence in support of the existing refusal. *See In re Hughes Furniture Indus., Inc.*, No. 85627379, 2015 WL 1734918, at *2 (TTAB 2015).