

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: May 7, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re SmartContract Chainlink Limited SEZC
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Serial No. 98004679
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J. Damon Ashcraft of Snell & Wilmer L.L.P.,
for SmartContract Chainlink Limited SEZC.

David Tooley, Trademark Examining Attorney, Law Office 125,
Robin Mittler, Managing Attorney.

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Before Greenbaum, Thurmon and Lebow, Administrative Trademark Judges.

Opinion by Lebow, Administrative Trademark Judge:

Applicant, SmartContract Chainlink Limited SEZC, filed an application to register, on the Principal Register, the mark **CHAINLINK DATA STREAMS** for use in connection with “Database management services, namely, collecting secure data for use by decentralized computing networks” (International Class 35) and “Storing of secure electronic data for use by decentralized computing networks” (International Class 42).¹

¹ Application Serial No. 98004679 was filed on May 19, 2023 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s allegation of a bona fide intention to use the mark in commerce.

The Examining Attorney, in a final Office action, has refused registration under Section 6(a) of the Trademark Act, 15 U.S.C. § 1056(a), based on Applicant's failure to disclaim the term "DATA STREAMS" in the mark, which the Examining Attorney maintains is merely descriptive of Applicant's services.² Applicant requested reconsideration of the final refusal, but the request was denied and the appeal proceeded. Both Applicant and the Examining Attorney have filed briefs and the case is ready for decision. For the reasons discussed below, we affirm the disclaimer refusal under Section 6(a).

I. Disclaimer Requirement

In the absence of acquired distinctiveness, which Applicant does not allege here, merely descriptive terms are unregistrable under Section 2(e)(1), and therefore are subject to disclaimer if the mark is otherwise registrable. A "disclaimer" is a statement that an applicant does not claim exclusive rights to an unregistrable component of a mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80 (CCPA 1965); TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1213 (May 2024). *See also In re La. Fish Fry Prods.*, 797 F.3d 1332, 1338 (Fed. Cir. 2015) (Newman, Circuit Judge, concurring):

[A] disclaimer of a component of a composite mark amounts merely to a statement that, in so far as that particular registration is concerned, no rights are being asserted in the disclaimed component standing alone,

² See November 26, 2024 Final Office Action. The final action also withdrew previously issued refusals based on likelihood of confusion and an indefinite recitation of services.

Citations to the prosecution file refer to the USPTO's Trademark Status & Document Retrieval ("TSDR") system and identify the documents by title, date, and page in the downloadable .pdf version. Citations to the briefs and other materials in the appeal record refer to the Board's TTABVUE online docket system.

but rights are asserted in the composite; and the particular registration represents only such rights as flow from the use of the composite mark.

An examining attorney may require an applicant to disclaim an unregistrable component of a mark otherwise registrable. Trademark Act Section 6(a), 15 U.S.C. § 1056(a). Failure to comply with a disclaimer requirement is a basis for refusal. *In re Stereotaxis Inc.*, 429 F.3d 1039, 1041 (Fed. Cir. 2005) (“[T]he Trademark Office may require a disclaimer as a condition of registration if the mark is merely descriptive for at least one of the products or services involved.”); *In re Korn Ferry*, No. 90890949, 2024 TTAB LEXIS 224, at *2, quoting *Lego Juris*, No. 88698784, 2022 TTAB LEXIS 175 (“Failure to provide the required disclaimer constitutes a ground for refusing registration.”).

II. Evidence and Argument

The Examining Attorney contends that “[t]he wording DATA STREAMS is a well-defined term in the computer industry referring to a manner of transmitting data across computer networks.”³ He provides the following definitions of “data streams”:

- “[t]he continuous transmission of data from one location to another”;⁴
- “[t]he continuous flow of data from one place to another”;⁵
- “[t]he transmission of a sequence of digitally encoded signals to convey information”;⁶

³ 8 TTABVue 4 (Examining Attorney’s Brief).

⁴ See November 16, 2023 Office Action, TSDR at 10-12, citing the MCGRAW-HILL DICTIONARY OF SCIENTIFIC & TECHNICAL TERMS (2002 ed.), by The McGraw-Hill Companies, Inc.

⁵ *Id.*, citing THE COMPUTER LANGUAGE COMPANY, INC. (2023 ed.).

⁶ See November 26, 2024 Final Office Action, TSDR at 4, citing Wikipedia.org.

- “[t]he continuous transfer of data from one or more sources at a steady, high speed for processing into specific outputs”;⁷ and
- “[t]he continuous flow of data generated by various sources in real-time.”⁸

The Examining Attorney also made of record screenshots from a variety of websites showing that “[m]any companies use the term [data stream] descriptively or generically to describe data transmission.”⁹ Representative examples follow (emphasis added).

(1) The website Snowflake (snowflake.com) explains that

Data streaming involves the continuous flow of data, facilitating real-time processing and analysis as information is generated. ... [D]ata streaming allows organizations to receive and respond to data instantaneously.¹⁰

(2) Amazon’s website (amazon.com) explain that its “Amazon Kinesis **Data Streams**” can “[e]asily **stream data** at any scale.” For example, “Thomson Reuters uses Amazon Kinesis to build a streaming data pipeline for faster insights and improved customer experience.”¹¹

(3) An article from Salesforce website (salesforce.com), titled “Data Streams in Data Cloud,” explains that “**Data streams** are the connections and associated data associated into [its] Data Cloud.”¹²

⁷ See November 26, 2024 Final Office Action, TSDR at 93, citing techtarget.com.

⁸ *Id.* at 35, citing an article titled “Data Stream in Data Analytics” on geeksforgeeks.com.

⁹ 8 TTABVUE 5 (Examining Attorney’s Brief).

¹⁰ See November 26, 2024 Final Office Action, TSDR at 8.

¹¹ *Id.* at 11.

¹² January 24, 2025, Reconsideration Letter, TSDR at 3-5.

(4) Rudderstack’s (rudderstack.com) article, “Understanding **Data Streams** in Google Analytics 4,” explains that Google’s data streams are “the means by which usage data is collected from our websites and apps and imported to the Google Analytics platform,” and provides “Step-by-step” instructions on “how to set up **data streams**.”¹³

(5) Lytics (lytics.com) explains that

A **data stream** is a continuous flow of data generated from various sources such as websites, mobile apps, email providers, social media, and other digital platforms. **Data streams** typically involve high volumes of data generalized in real-time or near-real-time, making it necessary to process and analyze the data as it arrives.¹⁴

(6) A page from IBM (ibm.com) titled “What is **streaming data**” explains that

Streaming data is the continuous flow of real-time data from various sources. [S]treaming data is processed as it arrives for immediate, real-time insights.

Organizations today generate high volumes of data on everything from Internet of Things (IoT) devices to e-commerce transactions. Streaming data, also known as “**data stream**” or “real-time **data streaming**”, helps organizations process these continuous data flows as they come in.¹⁵

(7) An article from Hevo (hevodata.com), “**Data Streams** in Data Mining Simplified 101,” explains that:

Data stream is a continuous, fast-changing, and ordered chain of data transmitted a very high speed. It is an ordered sequence of information for a specific interval. The sender’s data is transferred from the sender’s side and immediately shows in **data streaming** at the receiver’s side.¹⁶

¹³ *Id.* at 6-14.

¹⁴ *Id.* at 15-19.

¹⁵ *Id.* at 39-54.

¹⁶ *Id.* at 56-64.

(8) MIT's (mit.edu) publication, "Machine Learning for **Data Streams**: with Practical Examples in MOA," offers "[a] hands-on approach to tasks and techniques in **data stream** mining and real-time analytics...."¹⁷

(9) According to the article, "Databases vs. **Data Streams**" on TDWI Flashpoint's website (tdwi.org), "**[d]ata streams** are among the most challenging of big data. Most of us are familiar with the concept of **streaming data** through experiences of streaming music or video."¹⁸

These are several of the numerous examples provided by the Examining Attorney showing the meaning of "data streaming" within the relevant industry.

Once again, the application recites the following services:

"database management services, namely, collecting secure data for use by decentralized computing networks" (Class 35); and

"storing of secure electronic data for use by decentralized computing networks" (Class 42).

The Examining Attorney notes that a "computer network" is "a system of computers and peripherals that are able to communicate with each other" or "[a] system of computers interconnected by telephone wires or other means in order to share information."¹⁹ He maintains that the evidence in this case shows that "[o]ne method of transferring data among network nodes is via DATA STREAMS."²⁰ The

¹⁷ *Id.* 70-75.

¹⁸ *Id.* at 76-79.

¹⁹ 8 TTABVUE 11 (Examining Attorney's Brief).

²⁰ *Id.* at 7 (Examining Attorney's Brief). We grant the Examining Attorney's request, *id.* at 12-13, that we take judicial notice of the definitions of "network" and "blockchain" from the MERRIAM-WEBSTER (<http://www.merriam-webster.com/dictionary/network>) and AMERICAN

Examining Attorney thus concludes that the term “DATA STREAMS is descriptive of applicant’s services because they all involved streaming of data among networked computers.”²¹

III. Applicant’s Argument

Notably, Applicant does not challenge or dispute the validity of the above-described evidence in showing that DATA STREAMS is descriptive. Instead, Applicant argues that because the wording CHAINLINK DATA STREAMS, as a whole, is unitary, it cannot be descriptive:

Applicant combines its family mark CHAINLINK with DATA STREAMS to create a new commercial impression. The unitary mark, when considered as a whole, creates a new and unique commercial impression, namely, a service of the Applicant. The Mark, when considered in connection with the identified services, creates the commercial impression suggestive of a source identifying brand, CHAINLINK, with DATA STREAMS.²²

Applicant’s conclusory argument is unsupported, and thus is not evidence. *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1371 (Fed. Cir. 2018). The mere addition of Applicant’s alleged “family” mark, CHAINLINK, to the descriptive term, DATA STREAMS, does not create a new and unique commercial impression that renders the mark as a whole registrable without a disclaimer. *See* TMEP §1213.05(b)(iv) (“when an entire unitary phrase or slogan is generic, descriptive, or merely

HERITAGE (<http://ahdictionary.com/word/search.html?q=network>) dictionaries, accessed April 27, 2026. *See Univ. of Notre Dame du Lac v. J. C. Gourmet Food Imps. Co.*, No. 91061847, 1982 TTAB LEXIS 146, at *7 (“[T]he Board may take judicial notice of use of a term in dictionaries.”).

²¹ *Id.* at 7.

²² 6 TTABVUE 14-15 (Applicant’s Brief) (capitalization lowered).

informational, it remains unregistrable”).

Applicant argues that DATA STREAMS cannot be descriptive because “it has multiple interpretations and is inherently ambiguous.”²³ According to Applicant, “[a] mark with multiple definitions is inherently ambiguous as it does not immediately convey a mark’s goods and/or services.”²⁴ And here, explains Applicant, DATA STREAMS also refers to “[a] sequence of digitally encoded signals used to represent information in transmission”; “is the continuous transfer of data from one or more sources at a steady, high speed for processing into specific outputs”; and is “the transmission of a sequence of digitally encoded signals to convey information.”²⁵

However, “[i]t is well settled that so long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive.” *In re Chopper Indus.*, No. 73273140, 1984 TTAB LEXIS 118, at *5-6. “The fact that a term may have other meanings in different contexts is not controlling.” *In re Nursecon, LLC*, No. 88052194, 2024 TTAB LEXIS 545, at *16. *See also In re Tokutake Indus.*, No. 79018656, 2008 TTAB LEXIS 26, at *12 (affirming refusal to register AYUMI and Japanese-character equivalent as merely descriptive of footwear despite evidence of multiple meanings of “ayumi,” including “walking,” “a step,” and “one’s pace”).²⁶ Here,

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²⁴ *Id.* at 19.

²⁵ *Id.* at 19-20.

²⁶ Even so, the other meanings of DATA STREAM offered by Applicant’s evidence—“[a] sequence of digitally encoded signals used to represent information in transmission”; “the continuous transfer of data from one or more sources a stead, high speed for processing into specific outputs”; and “the transmission of a sequence of digitally encoded signals to convey information” (*see* May 27, 2024 Request for Reconsideration, at TSDR 22-26)—appear to be other ways of describing the basic meanings of DATA STREAM we noted above.

several of the established definitions of DATA STREAMS fit. Consequently, this is not a case where there are widely-differing definitions, as even Applicant's proposed definition seems to fit its services as well.

Applicant argues this case is “just like *Manpower, Inc. v. Driving Force, Inc.*, [1981 TTAB LEXIS 109], “where the Board found that the mark THE DRIVING FORCE could be interpreted in multiple ways as applied to the defendant's services and therefore the mark was not merely descriptive.”²⁷ But the Board in *Manpower* did not find the term THE DRIVING FORCE non-descriptive merely because it had multiple meanings; it did so because the record showed a wide diversity of potential connotations among witnesses who were intimately familiar with the parties' businesses and the term's use. Witnesses ascribed meanings ranging from “a leader in the industry,” a “force with velocity,” a “philosophy that doing business with [opposer]” is professional, to even a non-literal reference such as “Mrs. Jones is the driving force behind her husband.” *Manpower v. Driving Force*, 1981 TTAB LEXIS 109, at *5-6. Because of this variety of interpretations, the Board determined that the mark did not immediately convey the specific characteristics of the services—supplying leased truck drivers and goods-handling personnel on a contract basis—without requiring a significant exercise of imagination or perception. *Id.* at *8.

In sharp contrast, the term DATA STREAMS has a fairly uniform and established meaning in the computer and data-processing industry: the continuous transmission or flow of data from one location to another in real time. As demonstrated by the

²⁷ 6 TTABVUE 20 (Applicant's Brief).

dictionary definitions and extensive third-party use evidence of record, this meaning directly and immediately describes a feature of Applicant’s identified services—collecting and storing secure electronic data for use by decentralized computing networks—which inherently involve the streaming of data across networked systems. Unlike the situation in *Manpower*, there is no comparable diversity of connotations here that would require imagination to connect the term to the services; rather, the term is merely descriptive.

Applicant also argues this case is similar to the Board’s non-precedential decision in *In re Open Software Foundation, Inc.*, No. 74672089, 1998 TTAB LEXIS 298, at *3, where the Board found that even though the mark OPENUI had known definitions, “the commercial impression of OPENUI did not immediately convey the goods and services associated with the mark.” Here, contends Applicant, DATA STREAMS similarly refers to a variety of known definitions, however, none immediately convey blockchains, decentralized networks, a database, or secure storage,” as recited in Applicant’s identification.²⁸

But in *Open Software*, the Board did not hold that OPENUI was registrable because its components had multiple dictionary meanings. The Board found the mark not merely descriptive because OPENUI is a unitary blended term whose composite commercial impression as a whole did not immediately convey the nature of the applicant’s computer software and support services. Although “open” and “UI” each had recognized meanings in the computer field, their combination into a coined

²⁸ 6 TTABVUE 21 (Applicant’s Brief) (italics omitted).

unitary mark OPENUI required imagination and perception; it did not directly describe the goods and services and instead created a distinct, non-descriptive commercial impression.²⁹

Here, DATA STREAMS is not a blended or coined unitary term. It's a common, well-established phrase in the computer and data-processing industry that directly and immediately conveys the continuous transmission or flow of data – precisely the core feature of Applicant's services of "data management services, namely, collecting secure data for use by decentralized computer networks" and "storing of secure electronic data for use by decentralized computing networks." The dictionary definitions and third-party use evidence of record confirm that the term has a common meaning in the relevant field and requires no imagination to connect it to Applicant's data-related services in a networked decentralized environment. Adding the distinctive word CHAINLINK does not transform the descriptive term "DATA STREAMS" into the type of unitary, suggestive mark at issue in *Open Software*; the combination simply joins a distinctive word with a descriptive component.

Applicant's citation to the Federal Circuit's decision in *Cross Com. Media, Inc. v. Collective, Inc.*, 841 F.3d 155 (Fed. Cir. 2016) is likewise inapposite. There, the term "COLLECTIVE" was found not narrowly tailored to the specific goods and services at issue. *Id.* at 163. Here, DATA STREAMS is precisely and narrowly descriptive of the

²⁹ The meaning of many computer and networking terms has changed with the rapid advances of the internet. These findings are evidence intensive and based on a particular point in time.

data-transmission aspect of Applicant's services, as shown by the record.

Applicant also argues in its reply brief that its services concern "data at rest" – i.e., secure database management and the storing of electronic data – rather than "data in motion" (continuous transmission or streaming).³⁰ Applicant contends that the Examining Attorney's evidence relates primarily to real-time analytics, ingestion pipelines, and transmission, not to the identified storage and database management services.³¹ We are not persuaded.

The identified services are "database management services, namely, collecting secure data for use by decentralized computing networks" and "storing of secure electronic data for use by decentralized computing networks." These services necessarily involve the collection of data from one or more sources and the provision of that data for use by a decentralized network of computers. In the context of computer networks – especially decentralized ones – collecting and making data available for network use inherently requires the transmission or flow of data across network nodes. One of the primary methods for transferring data among network nodes is via data streams, as the record abundantly demonstrates. Applicant's own promotional materials of record confirm that its CHAINLINK DATA STREAMS offering involves the reliable delivery and availability of data in distributed systems using active multi-site deployment models that ensure continuous operations.

That the data may ultimately be stored or verified on a blockchain, as with

³⁰ *Id.* at 5.

³¹ *Id.* at 4-6.

Applicant's services, does not remove the descriptive significance of DATA STREAMS. Applicant's services explicitly require collecting secure data for use by decentralized networks – a process that inherently encompasses the streaming or continuous flow of data into and across those networks. Applicant cannot avoid the descriptiveness of a term by focusing only on one end-result (storage) while ignoring the means of achieving that result in the context of networked, decentralized systems.

Applicant, in its appeal brief, notes that “the Board has held that where the mark combines two or more terms creating an incongruity and thought and imagination are required to leap past the incongruity to discern a descriptive quality, then the mark at issue was suggestive.”³² But as the Examining Attorney points out, Applicant “offers no explanation or theory on why it thinks the wording DATA STREAMS is incongruous.”³³ On reply, however, Applicant contends that the combination of CHAINLINK (its alleged house mark) with DATA STREAMS creates an incongruity because “streams” “connotes ephemerality and flow, and Applicant's identified services ... focus on durable, secure storage.”³⁴

This argument is unpersuasive. There is no incongruity in using a term that describes a key feature or function of the services simply because the services have multiple aspects. DATA STREAMS directly and immediately describes the transmission aspect inherent in collecting and making data available for use by

³² *Id.* at 15.

³³ 8 TTABVUE 9 (Examining Attorney's Brief).

³⁴ *Id.* at 7.

decentralized computing networks. Adding the house mark, CHAINLINK, does not create the type of incongruous or blended unitary impression seen in cases such as *In re Tennis in the Round, Inc.*, 1978 TTAB LEXIS 44, at *6 (TENNIS IN THE ROUND held not merely descriptive for providing tennis facilities because the association of applicant's mark with the phrase "theater-in-the-round" created an incongruity since applicant's tennis facilities are not analogous to those used in a "theater-in-the-round"). Here, the mark simply combines a distinctive element with a merely descriptive one. *See* TMEP 1213.05(b)(iv).

IV. Conclusion

As previously explained, so long as any one meaning of the term DATA STREAMS is descriptive of a feature or characteristic of the services as identified, the term is merely descriptive under Section 2(e)(1) of the Trademark Act. *Chopper Indus.*, 1984 TTAB LEXIS 118, at *5-6. The extensive dictionary definitions and third-party usage evidence of record in this case establish that DATA STREAMS immediately conveys the continuous transmission or flow of data across networked systems—the very process inherent in collecting and storing secure electronic data for use by decentralized computing networks. Applicant's own evidence confirms that its services employ multi-site deployment models to ensure continuous, reliable data availability across distributed origins. For the foregoing reasons, the term DATA STREAMS is merely descriptive of a feature of Applicant's services.

Decision: The refusal to register Applicant's mark based on the requirement under Trademark Act § 6(a) to disclaim DATA STREAMS is affirmed in both classes.

However, if Applicant submits a disclaimer of DATA STREAMS to the Board within thirty days from the mailing date of this decision, the disclaimer requirement will have been met and the application will proceed. Trademark Rule 2.142(g), 37 C.F.R. § 2.142(g). The disclaimer should read as follows: “No claim is made to the exclusive right to use DATA STREAMS apart from the mark as shown.”