

This Opinion is not a
Precedent of the TTAB

Mailed: May 4, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Victor Arruda

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Serial No. 98083575

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Thomas C. Howerton, J.D., PhD. of Medlen & Carroll, LLP
for Victor Arruda.

Lee-Anne Berns, Trademark Examining Attorney, Law Office 118,
Michael Baird, Managing Attorney.

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NOTICE OF CORRECTION

By the Board:

On April 27, 2026, the Board issued a final decision (Decision) in connection with the above noted ex parte appeal. The posted Decision has a typographical error that needs correction. The party is identified in the caption as *In re Arruda* instead of *In re Victor Arruda*. The caption on page 1 is corrected to display *In re Victor Arruda* as the Applicant.

This correction is non-substantive and does not affect the Decision. A corrected copy of the Board's final decision is attached

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Before Wellington, Greenbaum and Goodman,
Administrative Trademark Judges.

Opinion by Goodman, Administrative Trademark Judge:

Victor Arruda (“Applicant”) seeks registration of SOCIAL SECURITY LAW GROUP (in standard characters) on the Principal Register under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f), for “Legal services for individuals seeking social security disability and supplemental security income claims. Legal document preparation, legal research and legal consultancy in the context of social security disability and supplemental security income claims” in International Class 45.¹

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¹ Application Serial No. 98083575 was filed on July 13, 2023 based upon Applicant’s allegation of first use and first use in commerce since at least as early as June 1, 1994, under

The Trademark Examining Attorney has refused registration of Applicant's mark under Trademark Act Sections 1, 2, 3, and 45, 15 U.S.C. §§ 1051, 1052, 1053, and 1127, on the ground that the proposed mark is generic, or alternatively, that the proposed mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1), and lacks acquired distinctiveness.

As background, the Examining Attorney initially refused registration based on Trademark Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1), on the ground that the proposed mark is merely descriptive, and provided a genericness advisory.² Applicant responded by providing from an earlier filed trademark application for SOCIAL SECURITY LAW GROUP a Section 2(f) declaration of acquired distinctiveness based on five years of substantially exclusive and continuous use and evidence of acquired distinctiveness. Applicant also provided with this response a current statement of five years of substantially exclusive and continuous use.³ The Examining Attorney rejected the current Section 2(f) claim of five years of substantially exclusive and continuous use as unverified, rejected the earlier claim (year 2000) of five years of

Section 1(a) of the Trademark Act, 15 U.S.C. 1051(a). The application initially included services in Classes 42 and 45; however, Applicant deleted ("cancelled") the Class 42 services in the December 18, 2024 Response to Office Action p. 8.

Page references to the application record are to the .pdf version of documents obtained from the USPTO's Trademark Status & Document Retrieval (TSDR) system, an online database. References to the briefs on appeal refer to the Board's TTABVUE docket system. Applicant's brief is at 4 TTABVUE and the reply brief at 7 TTABVUE; the Examining Attorney's brief is at 6 TTABVUE. Applicant re-attached to its brief a declaration and evidence submitted during prosecution, which was unnecessary.

² March 21, 2024 Office Action pp. 1-12.

³ May 6, 2024 Response to Office Action at pp. 7-8.

substantially exclusive and continuous use, and issued a genericness refusal.⁴ Applicant provided an additional declaration to verify its current statement of five years of substantially exclusive and continuous use and provided additional evidence to establish acquired distinctiveness.⁵ The Examining Attorney maintained the genericness refusal, alternative merely descriptive refusal, and rejected the Section 2(f) claim.⁶

After the Trademark Examining Attorney made the alternative refusals final, Applicant appealed to this Board.

We affirm the refusal to register on the genericness ground. Because the genericness refusal is dispositive, we do not reach the alternative refusal that the proposed mark is merely descriptive and of lacks of acquired distinctiveness. *See, e.g., In re Suuberg*, No. 88234650, 2021 TTAB LEXIS 459, at *11-12 (exercising discretion to forgo consideration of a second ground for refusal where the affirmed ground sufficed to refuse registration); *Azeka Bldg. Corp. v. Azeka*, No. 91218679, 2017 TTAB LEXIS 123, at *4 (Board has “discretion to decide only those claims necessary to enter judgment and dispose of the case”) (quoting *Multisorb Tech., Inc. v. Pactive Corp.*, No. 92054730, 2013 TTAB LEXIS 616, at *3).

⁴ June 18, 2024 Office Action pp. 1-10.

⁵ December 18, 2024 Response to Office Action pp. 8-9.

⁶ February 3, 2025 Office Action pp. 2-10.

I. Genericness

A generic term “is the common descriptive name of a class of goods or services.” *Princeton Vanguard, LLC v. Frito-Lay N. Am., Inc.*, 786 F.3d 960, 965 (Fed. Cir. 2015) (citing *H. Marvin Ginn Corp. v. Int’l Ass’n of Fire Chiefs, Inc.*, 782 F.2d 987, 989 (Fed. Cir. 1986)). There is a two-part test used to determine whether a designation is generic: (1) what is the genus (class or category) of goods or services at issue; and (2) does the relevant public understand the designation primarily to refer to that genus of goods or services? *Princeton Vanguard*, 786 F.3d at 965 (citing *Marvin Ginn*, 782 F.2d at 990). “The critical issue in genericness cases is whether members of the relevant public primarily use or understand the term sought to be protected to refer to the genus of goods or services in question.” *Marvin Ginn*, 782 F.2d at 989-990. Any term that the relevant public uses or understands to refer to the genus of goods or services, part of the claimed genus of goods or services, or a key aspect or subcategory of the genus, is generic. *Royal Crown Co., Inc. v. The Coca-Cola Co.*, 892 F.3d 1358, 1367-68 (Fed. Cir. 2018). A word that names a category of goods or services is generic for more narrowly identified goods or services. *In re Analog Devices, Inc.*, No. 73543943, 1988 TTAB LEXIS 20, at *21, *aff’d. unpublished*, 871 F.2d 1097 (Fed. Cir. 1989).

“Evidence of the public’s understanding of the term may be obtained from any competent source, such as purchaser testimony, consumer surveys, listings in dictionaries, trade journals, newspapers and other publications.” *Royal Crown*, 892 F.3d at 1366 (quoting *In re Merrill Lynch, Pierce, Fenner, and Smith Inc.*, 828 F.2d

1567, 1570 (Fed. Cir. 1987); *see also In re Cordua, Rests., Inc.*, 823 F.3d 594, 599 (Fed. Cir. 2016); *Princeton Vanguard*, 786 F.3d at 965; *In re Reed Elsevier Props. Inc.*, 482 F.3d 1376, 1380 (Fed. Cir. 2007) (finding third-party websites competent sources for determining what the relevant public understands the mark to mean). We may also consider an applicant's use of the proposed mark in assessing the primary significance to the relevant public. *See In re Gould Paper Corp.*, 834 F.2d 1017, 1019 (Fed. Cir. 1987) ("Gould's own submissions provided the most damaging evidence that its alleged mark is generic").

A. What is the Genus of the Services at Issue?

Our first task is to determine the proper genus. In defining the genus, we commonly look to the identification in the application. *Magic Wand, Inc. v. RDB, Inc.*, 940 F.2d 638, 640 (Fed. Cir. 1991) (a proper genericness inquiry focuses on the identification set forth in the application or certificate of registration); *In re Katch, LLC*, No. 86301765, 2019 TTAB LEXIS 154, at *7 ("we define the genus based on the identification of services for each class"); *In re Serial Podcast, LLC*, No. 86454420, 2018 TTAB LEXIS 94, at *7 (proper genus generally is "set forth by the recitation of services in each subject application"); *In re ActiveVideo Networks, Inc.*, No. 77967395, 2014 TTAB LEXIS 283, at *55 n.77 (where an identification of goods "is simple and clear enough . . . it may be used verbatim as the 'genus.'").

Here, the application identifies the services as "legal services for individuals seeking social security disability and supplemental security income claims. Legal

document preparation, legal research and legal consultancy in the context of social security disability and supplemental security income claims.”

In the brief, the Examining Attorney identifies the genus as broader than the identification suggesting that “the term SOCIAL SECURITY in the mark adequately defines the genus of the legal services at issue, namely, Social Security legal services, which includes applicant’s subcategory of legal services.”⁷ Applicant argues the “Examiner improperly broadens the scope of the classification description to encompass all of social security law” and “failed to consider the alternative genus of ‘a law group for social security disability and supplemental security income claims.’”⁸

In this case, the specific identification of services in the application is a subcategory (social security disability and supplemental income legal service) of a broader spectrum of social security legal services. Furthermore, reliance on the identification of services to identify the genus of the services at issue “is based on the premise that the recitation accurately reflects actual conditions of use of the involved term.” *In re DNI Holdings Ltd.*, No. 76331011, 2005 TTAB LEXIS 515, at *9. Although the Examining Attorney seeks to broaden the genus, we find the genus adequately defined by Applicant’s recitation of services.⁹

⁷ 6 TTABVUE 5.

⁸ 4 TTABVUE 8, 9; 7 TTABVUE 3-4.

⁹ It is unnecessary to broaden the genus beyond Applicant’s identified services. As noted, under the second step of the genericness inquiry, a term is generic if the relevant public understands it to refer to a category of legal services, even if the legal services are more narrowly identified. *Analog Devices*, 1988 TTAB LEXIS 20, at *21.

B. Who are the Relevant Purchasers?

The second part of the inquiry is to determine whether the term sought to be registered is understood by the relevant public primarily to refer to that genus of goods or services. *Magic Wand*, 940 F.2d at 641. “The relevant public for a genericness determination is the purchasing or consuming public for the identified goods [or services].” *Frito-Lay N. Am., Inc. v. Princeton Vanguard, LLC*, No. 91195552, 2017 TTAB LEXIS 300, at *9 (citing *Magic Wand*, 940 F.2d at 641); *Sheetz of Del., Inc. v. Doctor’s Assocs. Inc.*, No. 91192657, 2013 TTAB LEXIS 468, at *27. Because the class of consumers is limited to “individuals seeking social security disability and supplemental security income claims,” the relevant consuming public consists of those members of the general public who seek legal services to assist with social security disability and supplemental security income claims, as well as long term disability insurers who engage attorneys for their insureds who pursue Social Security Disability claims with the Social Security Administration. *Cf. Sheetz of Del.*, 2013 TTAB LEXIS 468, at *27-28 (“Because there are no restrictions or limitations to the channels of trade or classes of consumers for sandwiches, the relevant consuming public comprises ordinary consumers who purchase and eat sandwiches.”).

C. How Does the Relevant Public Perceive SOCIAL SECURITY LAW GROUP?

To determine the public perception of SOCIAL SECURITY LAW GROUP as it applies to “legal services for individuals seeking social security disability and supplemental security income claims. Legal document preparation, legal research

and legal consultancy in the context of social security disability and supplemental security income claims,” we must analyze the meaning of the designation “as a whole.” See *Princeton Vanguard*, 786 F.3d 967 (citing *In re Steelbuilding.com*, 415 F.3d 1293, 1297 (Fed. Cir. 2005)). In doing so, the Federal Circuit has noted that it may be appropriate “as a first step” to analyze the constituent terms in the applied-for mark. *Id.* at 968; see also *In re 1800MATTRESS.com IP, LLC*, 586 F.3d 1359, 1363 (Fed. Cir. 2009) (explaining that the Board appropriately considered the separate meanings of “mattress” and “.com” when determining that the combination “mattress.com” was generic); *In re Hotels.com LP*, 573 F.3d 1300, 1304 (Fed. Cir. 2009) (affirming the Board’s finding that “the composite term HOTELS.COM communicates no more than the common meanings of the individual components”).

In analyzing the constituent terms SOCIAL SECURITY, LAW, and GROUP, we consider the meaning of each to the consuming public as indicated by dictionary definitions and other competent sources. See *In re Northland Aluminum Prods., Inc.*, 777 F.2d 1556, 1559 (Fed. Cir. 1985).

LAW is defined as a “set of rules or principles dealing with a specific area of a legal system” and “the profession of an attorney.”¹⁰ GROUP is defined as “a number of individuals assembled together or having some unifying relationship or action.”¹¹ SOCIAL SECURITY refers to “a U.S. government program established in 1935 to

¹⁰ March 21, 2024 Office Action pp. 25-26 (AMERICAN HERITAGE DICTIONARY).

¹¹ March 21, 2024 Office Action p. 14 (MERRIAM-WEBSTER DICTIONARY).

include old-age and survivors insurance, contributions to state unemployment insurance, and old-age assistance.”¹²

The Examining Attorney also has provided internet web pages showing that the term LAW GROUP is used by law practices to identify a group of lawyers. The webpages show Alliance Law Group, Reston Law Group LLP, Gillette Law Group, Gellar Law Group, Groom Law Group, and Montero Law Group using the term.¹³ The Examining Attorney also provided third-party Supplemental Register registrations showing the disclaimer of LAW GROUP by registrants.¹⁴

At the outset, we do not dwell on the individual meanings of the terms LAW and GROUP as there is ample evidence in the record of use of the combined term LAW GROUP in connection with law practices by a group of individual attorneys. *See In re Shiva Corp.*, No. 75001460, 1998 TTAB LEXIS 389 at *4-5 (“when there is evidence that two or more words have been used together to form a phrase or term that forthwith conveys information regarding the goods or services set forth in the application, it is simply not necessary to engage in an analysis of each of the individual words in an effort to ascertain whether, when used together, said words

¹² March 21, 2024 Office Action p. 6 (MERRIAM-WEBSTER DICTIONARY).

¹³ March 21, 2024 Office Action pp. 28, 32 (Alliance Law Group and Reston Law Group LLP) and June 18, 2024 Office Action p. 11 (Gillette Law Group); February 3, 2025 Office Action pp. 132, 140, 153 (Gellar Law Group, Groom Law Group, and Montero Law Group).

¹⁴ June 18, 2024 Office Action pp. 36-39 (The Meyers Law Group and Reston Law Group); February 3, 2025 Office Action pp. 120, 126, 128, 129, 130 (Vasseghi Law Group, Dubin Law Group, Warren Law Group, and Hemmat Law Group). The Examining Attorney also provided two third-party Supplemental Register registrations showing disclaimers of LAW GROUP with disclaimers of additional wording. June 18, 2024 Office Action pp. 33-35 (Sterk Family Law Group (Family Law Group disclaimed) and Women’s Divorce & Family Law Group (Divorce & Family Law Group disclaimed)).

forthwith convey information concerning the goods or services set forth in the application”).

We find the evidence shows that LAW GROUP is a unitary generic term for a group of lawyers that provide legal services together. *See e.g., In re Mecca Grade Growers, LLC*, No. 86358219, 2018 TTAB LEXIS 64, at *27 (“These examples [dictionary definitions and industry specific evidence] clearly show the meanings that relevant consumers attribute to those words when they are used separately and when they are used together”); *In re Country Music Ass’n*, No. 78906900, 2011 TTAB LEXIS 343, at *28 (third-party registrations submitted by the Examining Attorney “show the Office’s consistent treatment of the word ‘association’ as a generic term when used in connection with association services such as those identified in applicant’s application”); *Cont’l Airlines, Inc. v. United Air Lines, Inc.*, No. 91098459, 1999 TTAB LEXIS 717, at *36 (“evidence of competitors’ use of particular words as the name of their goods or services is, of course, persuasive evidence that those words would be perceived by purchasers as a generic designation for the goods or services”). The term LAW GROUP is akin to an entity type (e.g., company, inc., partners), a generic reference to the entity that provides the services, which in this case is an organized group of lawyers offering legal services to the public.¹⁵ *Cf. In re Patent & Trademark Servs. Inc.*, No. 75009424 1998 TTAB LEXIS 461, at *11 (“‘Inc.’ in applicant’s mark

¹⁵ The Examining Attorney provided an internet webpage that explains that “Legal Groups, also known as law firms or legal associations, are organized entities comprised of lawyers who collaborate to provide legal services to clients.” June 18, 2024 Office Action p. 32. This evidence was resubmitted with the February 3, 2025 Office Action p. 152. The Examining Attorney also submitted as an example a webpage from the Potomac Legal Group in the February 2025 Office Action p. 145.

does not serve to identify the source of applicant's services but rather merely indicates the type of entity which performs the services, and thus has no service mark significance").

As to the term SOCIAL SECURITY, we first note that Applicant uses the term "Social Security" in its identification of services,¹⁶ and in view of the dictionary definition, it is unnecessary for us to consider the terms "social" and "security" separately based on the record evidence. *In re Shiva Corp.*, 1998 TTAB LEXIS 389, at *4-5. Turning to the evidence in the record, in addition to the dictionary definition, the Examining Attorney has provided evidence to demonstrate that SOCIAL SECURITY identifies a field or category of law related to the U.S. Government program.¹⁷

The Examining Attorney provided a webpage from Thompson Reuters offering a legal treatise titled "Social Security Law and Practice."¹⁸ The treatise provides "up-to-date information and meticulous analysis of Social Security law and Medicare law."¹⁹ The Examining Attorney also provided webpages from companies that offer

¹⁶ *Cf. In re NextGen Management, LLC*, No. 88098031, 2023 TTAB LEXIS 1, at *12 ("Use of a term in an application's recitation of services strongly suggests that the term is merely descriptive.").

¹⁷ We have evidence of generic use of overlapping components of the proposed mark SOCIAL SECURITY LAW GROUP in that we have evidence that relates to "Social Security Law" and we have evidence that relates to "Social Security," both as applied to legal services. *See e.g., In re Virtual Indep. Paralegals, LLC*, No. 86947786, 2019 TTAB LEXIS 74, at *24 (TTAB 2019) (VIRTUAL INDEPENDENT PARALEGAL generic, considering evidence in the record of "virtual paralegal" and "independent paralegal" and finding that "[c]ombining VIRTUAL PARALEGAL and INDEPENDENT PARALEGAL into VIRTUAL INDEPENDENT PARALEGALS provides no additional or changed meaning").

¹⁸ June 18, 2024 Office Action pp. 24-25.

¹⁹ June 18, 2024 Office Action p. 25.

Continuing Legal Education on “Social Security and Disability Law,” “Disability and Social Security” and “Social Security Disability” law.²⁰

The Examining Attorney provided a webpage from Just Answer that allows a consumer to “connect directly with Social Security lawyers.”²¹ The Examining Attorney made of record webpage printouts from the lawyer directory sites Find Law, Super Lawyers, Legal Match.com, Lawyers/Legal/Laws, and Justia Lawyers, in which “Social Security disability” can be used as a search term or “filter” allowing consumers seeking legal representation to search for lawyers and firms in that practice area, with the results returned showing links for accessing Social Security Disability lawyers.²²

The Examining Attorney also provided internet webpages from law firms that provide legal services in the area of Social Security Disability law. For example, the Cervoni Disability Law PLLC firm identifies itself as (“A Practice Dedicated to Social Security Disability”).²³ The Peregman Firm P.L.L.C.’s webpage includes a heading “New York City Social Security Disability (SSD) Lawyer” and explains that they are available to assist in filing Social Security Disability claims.²⁴ The Wilson & Parlett law firm identifies themselves as “Social Security Claims attorneys” that handle disability claims in Virginia and Maryland, and the Gillette Law Group identifies

²⁰ February 3, 2025 Office Action pp. 65, 71, 76-80.

²¹ February 3, 2025 Office Action pp. 20-25.

²² June 18, 2024 Office Action pp. 19-21, 31; March 21, 2024 Office Action p. 59; February 3, 2025 Office Action pp. 19, 50, 51-64, 112-118.

²³ March 21, 2024 Office Action pp. 52-57.

²⁴ March 21, 2024 Office Action p. 58.

itself as “Virginia Social Security Disability Attorney.”²⁵ Cannon Disability Law identifies themselves as “Social Security Disability Attorneys” and Binder identifies themselves as “Social Security Disability Advocates.”²⁶

Applicant’s own website indicates that Applicant offers services in the category of Social Security law. Its webpage states “The Social Security Law Group is a law firm, staffed by Attorneys. We practice law exclusively in the area of Social Security.”²⁷ Another webpage reiterates that Applicant’s law practice is limited to certain areas of Social Security law.²⁸

In its May 6, 2024 Response to Office Action, Applicant submitted as exhibits papers filed in its prior trademark application Serial No. 75837166 (also involving Applicant’s proposed mark SOCIAL SECURITY LAW GROUP) in the year 2000.²⁹ The exhibits include an “Affidavit” from Victor J. Arruda dated September 26, 2000, an undated yellow pages advertisement for the Boston area, a separate undated yellow pages listing, Applicant’s law firm brochure, and insurance company referral

²⁵ June 18, 2024 Office Action pp. 11-12, 27-30. The Examining Attorney provided one third-party Supplemental Register registration for legal services with a disclaimer of “Social Security.” February 3, 2025 Office Action p. 122.

²⁶ February 3, 2025 Office Action pp. 27, 43.

²⁷ March 21, 2024 Office Action p. 39.

²⁸ March 21, 2024 Office Action p. 41. Applicant’s specimen is described in the application as a page from Applicant’s website which states “SSLG practices law and provides legal services.” A specimen submitted May 6, 2024 for the since deleted Class 42 services is described as a marketing brochure showing the mark in use.

²⁹ Applicant indicated in the May 6, 2024 Office Action p. 8 that Applicant failed to timely renew its registration resulting in its cancellation.

letters dated August or September 2000 directed to insured individuals who applied for long term disability benefits, referring them to Mr. Arruda's law firm.³⁰

In the December 18, 2024 Response to Office Action, Applicant submitted a recent "Affidavit" from Mr. Arruda, dated December 17, 2024, and provided some of the same exhibits that it had submitted on May 6, 2024: the yellow pages advertisement, yellow pages listing, and the four insurance company referral letters dated August or September 2000.³¹ Also provided with the December 18, 2024 response were declarations from two Directors of Claims for long term disability insurance companies (one current/one retired), two customer declarations (one current/one former), and a copy of a class action lawsuit from 2011 where Applicant's law firm sued the Social Security Administration and its administrator.³²

The Yellow Pages advertisement provided by Applicant is under the heading "Social Security law" in the directory and the advertisement states "Our only practice is Social Security Law."³³ Applicant's law firm brochure states "the Social Security Law Group (SSLG) has a trained legal support staff to guide you through the often misunderstood maze known as the Social Security Disability Claims process" and states "Social Security Benefits for People Receiving Long Term Disability. Why You

³⁰ May 6, 2024 Response to Office Action pp. 13-25. Applicant explained the significance of this evidence: "The Affidavit file provides evidence that the mark is not descriptive. The OA.tch file provide[s] attorney argument in rebuttal of the office action rejections." May 6, 2024 Response to Office Action p. 1.

³¹ December 18, 2024 Response to Office Action pp. 16-28.

³² December 18, 2024 Response to Office Action pp. 29-69.

³³ May 6, 2024 Response to Office Action pp. 22-23; December 18, 2024 Response to Office Action pp. 19-20.

Need a Qualified Lawyer to Represent you. The Social Security Law Group.”³⁴ In its 2011 civil complaint against the Social Security Administration, Applicant alleged that it was “a law firm specializing in social security claims.”³⁵

Mr. Arruda’s September 26, 2000 “Affidavit” states that the mark SOCIAL SECURITY LAW GROUP was selected because it reflects a law firm that limits itself to Social Security Disability claims. He also states that the law firm has established a reputation in this industry as a private firm whose practice is limited to Social Security Law.³⁶ Mr. Arruda’s December 17, 2024 “Affidavit” indicates that Social Security Law Group was created to compete in a specialized sector of Social Security law (long term disability insurance sector), its practice is limited to Social Security Disability law, and that this type of niche law practice depends upon referrals from long term disability insurers.³⁷

Considering the evidence as a whole, we find the term SOCIAL SECURITY is a unitary generic term identifying a category of legal services. The dictionary evidence,

³⁴ May 6, 2024 Response to Office Action pp. 24-25.

³⁵ Complaint (Arruda & Beaudoin, LLP d/b/a Social Security Law Group, et al. v. Michael J. Astrue, Commissioner of The Social Security Administration and The Social Security Administration) paragraph 22, December 18, 2024 Response to Office Action p. 41.

³⁶ First Arruda “Affidavit” (no numbered paragraphs), May 6, 2024 Response to Office Action p. 13. The “affidavit” is not a sworn statement under oath. It also is not a declaration because it has not been signed under penalty of perjury. See 28 U.S.C. § 1746; TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 703.01(h) Note 2 (2025); TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 804.01(b) (November 2025).

³⁷ Second Arruda “Affidavit” Paragraphs 2, 3 & 4, December 18, 2024 Response to Office Action pp. 16-18. The “affidavit” is not under oath but it is signed stating “all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true”; it does not include a reference to 18 U.S.C. § 1001. *See* Trademark Rule 2.20, 37 C.F.R. § 2.20.

the treatise and CLE evidence, the law directory evidence, the third-party use evidence, as well as Applicants own use and statements (yellow pages, brochure, website and declaration testimony) demonstrate that Social Security is generic for a legal practice area or legal category. *See e.g., BellSouth Corp. v. DataNational Corp.*, 60 F.3d 1565, 1570 (Fed. Cir. 1995) (“The cases have recognized that competitor use is evidence of genericness.”); *In re Jasmin Larian, LLC*, No. 87522459, 2022 TTAB LEXIS 99, at *28 (redesignated as precedent March 29, 2022) (“we find the evidence of Ms. Larian’s statements, the product insert card, the archived pages of Applicant’s website and the YouTube review to be quite probative on the issue of genericness”); *In re The Consumer Prot. Firm PLLC*, No. 87445801, 2021 TTAB LEXIS 67, *28 (“In our view, this [law directory evidence from FindLaw, SuperLawyers, and LawInfo] is the most direct evidence in the record demonstrating an understanding by ordinary consumers of legal services that ‘CONSUMER PROTECTION’ is a category of legal practice in which some lawyers and law firms specialize”).

Having found that the individual components LAW GROUP and SOCIAL SECURITY are unitary terms and generic, we turn next to the proposed mark SOCIAL SECURITY LAW GROUP and consider the public’s understanding of the proposed mark as a whole. *See Princeton Vanguard*, 786 F.3d at 968. “[T]he test for genericness is the same, regardless of whether the mark is a compound term or a phrase.” *Id.* at 966.

We have evidence in the record of consumer/customer understanding of SOCIAL SECURITY LAW GROUP. As indicated, Applicant submitted customer

“declarations” and “declarations” from Directors of Claims for insurance companies who explained their understanding of SOCIAL SECURITY LAW GROUP.³⁸

Phil Porter, a retired employee/officer of The Principal Financial company in Des Moines, Iowa, and former Director of Claims described his initial encounter with Social Security Law Group:

[i]n 2007, the ‘Social Security Law Group’ approached myself and Principal to offer their services of representing our Insureds before the SSA. They presented themselves as a Nationwide firm, in business since 1994, and had branch offices across the US. With a name like the ‘Social Security Law Group’, I naturally assumed they practiced exclusively in the area of Social Security Law, and specialized in it.³⁹

Sean Daigre, Director of Claims and employee/officer of Harvey Watt & Company recounted how he learned about Applicant:

I became aware that the ‘Social Security Law Group’ could represent disability insurance claims for my insureds when a staffer of mine informed me of the work they did for a prior Long-Term Disability (LTD) Insurer. I was told that they were a Nationwide firm, and had been in business since 1994. When I was told their name, ‘Social Security Law Group’, unlike traditional law firms, I immediately presumed they were lawyers practicing exclusively Social Security Law, and specialized in it.⁴⁰

Applicant’s current client Susan Davenport is seeking Social Security Survivor benefits.⁴¹ When she encountered difficulty with her Social Security benefits, she did a Google Search of Social Security Lawyers. She states:

³⁸ December 18, 2024 Response to Office Action pp. 29-35. The “declarations” are signed and dated but none are signed under penalty of perjury nor are they witnessed or sworn.

³⁹ Porter “Declaration” paragraph 4, December 18, 2024 Response to Office Action p. 29.

⁴⁰ Daigre “Declaration” paragraphs 3 & 4, December 18, 2024 Response to Office Action p. 31.

⁴¹ Davenport “Declaration” paragraphs 1-3, December 18, 2024 Response to Office Action p. 33.

In my search results, I saw a Law Firm out of San Antonio called the ‘Social Security Law Group’. I immediately presumed given their name, these people might be able to help me.⁴²

Former client Jason Bailey explained that after he received notice from Social Security denying his disability claim, he was furious, and decided to hire a lawyer.

I had heard that most people are denied on their first try, and that to win benefits, you need to hire a good lawyer. I immediately did a Google search and found a firm called the ‘Social Security Law Group.’ I didn't know where they were located, but I knew immediately that with a name like the " Social Security Law Group", they were lawyers who did Social Security Law.”⁴³

Applicant’s second “affidavit” from Mr. Arruda explains that Applicant “specializes in providing legal services related to disability insurance provided by the Social Security Administration” and that “the name Social Security Law Group was selected as it best illustrates a law practice limiting itself to and specializing in Social Security disability claims.”⁴⁴ These statements are consistent with the first Arruda “affidavit” submitted in 2000 when Applicant made the same statements (i.e., that the name reflects the practice limiting itself to Social Security Disability claims, and that the practice is known to be limited to Social Security law).⁴⁵

Considering the proposed mark as a whole, the record shows that “Social Security” is a unitary generic term that identifies a category of legal services. The record also shows that “Law Group” is a unitary generic term, akin to a designation of an entity

⁴² Davenport “Declaration” paragraph 4, December 18, 2024 Response to Office Action p. 33.

⁴³ Bailey “Declaration” paragraphs 1-3, December 18, 2024 Response to Office Action p. 35.

⁴⁴ Second Arruda “Affidavit” paragraphs 1 & 2, December 18, 2024 Response to Office Action p. 16.

⁴⁵ First Arruda “Affidavit” May 6, 2024 Response to Office Action p. 13.

type (e.g., corp., inc., partners), which in this case is a group of lawyers that practice together. Therefore, SOCIAL SECURITY LAW GROUP is the combination of two generic terms joined to create a compound. *See In re Wm. B. Coleman Co.* No. 77067861, 2010 TTAB LEXIS 67, at *14 (ELECTRIC CANDLE COMPANY is the combination of two generic terms joined to create a compound); *In re Eddie Z's Blinds & Drapery, Inc.*, No. 76112441, 2005 TTAB LEXIS 78, at *15-16 (BLINDSANDDRAPERY.COM is “a compound formed by joining the generic term ‘blinds and drapery’ and the generic TLD ‘.com.’”).

‘[A] compound of generic elements is [also] generic if the combination yields no additional meaning to consumers capable of distinguishing the goods or services.’” *Consumer Prot. Firm*, 2021 TTAB LEXIS 67, at *21 (quoting *United States PTO v. Booking.com B.V.*, 591 U.S. 549, 560 (2020)). When the terms SOCIAL SECURITY and LAW GROUP are combined, they retain their generic significance, and the combination provides no additional difference in meaning.

In particular, SOCIAL SECURITY LAW GROUP identifies a group of lawyers that practice Social Security law. *Cf. In re The Paint Prods. Co.*, No. 73504654, 1988 TTAB LEXIS 33 at * 8 (PAINT PRODUCTS CO. unregistrable “for goods emanating from a company that sells paint products,” noting that marks consisting of generic or highly descriptive terms coupled with entity designations such as “Inc.” and “company” have been held unregistrable.). *See also Wm. B. Coleman*, 2010 TTAB LEXIS 67, at *14 (with respect to ELECTRIC CANDLE COMPANY, “electric candle” is a unitary generic term for a type of lighting fixture and “company” is simply a

designation for a type of entity without source-identifying capability making the combination generic).

Applicant argues that the Examining Attorney has not met the evidentiary burden for the proposed mark as a whole under *In re Am. Fertility Soc’y*, 188 F.3d 1341, 1347 (Fed. Cir. 1999), which considered the genericness of a phrase.⁴⁶ Applicant submits that “[t]here is nothing on the record to establish that a relevant consumer would exchange the mark SOCIAL SECURITY LAW GROUP with the phrase “social security disability and supplemental security income claims” and that the Examining Attorney considered the separate components of the proposed mark but not the mark as a whole.⁴⁷

However, whether analyzed as a compound term or a phrase, the result is the same. *See Wm. B. Coleman*, 2010 TTAB LEXIS 67, at *14-15, 18 (considering ELECTRIC CANDLE COMPANY is generic whether considered a compound term or phrase and finding the mark as a whole was generic, noting that the record included evidence of the term ELECTRIC CANDLE and that COMPANY is an entity type without trademark significance). As the Board indicated in *Wm. B. Coleman*:

we do not believe that *American Fertility* can be read such that an applicant could take a clearly generic term and add to it a non-source identifying word such as ‘company’ and thereby create a trademark. This is true even in the absence of proof by the examining attorney that others have used ‘electric candle company’.

⁴⁶ 4 TTABVUE 9, 10.

⁴⁷ 4 TTABVUE 10.

2010 TTAB LEXIS 67, at *15. *See also In re Cell Therapeutics, Inc.*, No. 75313795, 2003 TTAB LEXIS 375, at * 2-3 (for the proposed mark CELL THERAPEUTICS INC., the Board considered CELL THERAPEUTICS as a phrase, where record evidence showed use of the term CELL THERAPEUTICS, and found INC. to be an entity type with no source indicating significance).

Applicant asserts that the *Magic Wand* case is “instructive” because “the holding turned on the basis of a lack of evidence.”⁴⁸ Applicant argues that here, similarly, “the Examiner has not provided any evidence showing that the relevant consumers would understand the mark to be used to refer to assistance with disability and supplemental income claims from any source.”⁴⁹ But here, in fact, we do have consumer evidence—Applicant submitted “declarations” from long term disability insurance companies who engage Applicant’s services for their insureds and from direct clients of Applicant explaining their understanding of SOCIAL SECURITY LAW GROUP.

Applicant argues that nothing in the record shows that a consumer would use SOCIAL SECURITY LAW GROUP in place of “social security disability and supplemental security income claims” and that the evidence does not show that the consumer “would understand the mark to be used to refer to assistance with disability and supplemental income claims from any source.”⁵⁰ Applicant submits that none of

⁴⁸ 4 TTABVUE 10.

⁴⁹ 4 TTABVUE 10.

⁵⁰ 4 TTABVUE 9, 10, 11.

the evidence shows that the proposed mark SOCIAL SECURITY LAW GROUP can be immediately recognized as a service related to “disability and supplemental income claims.”⁵¹

Applicant appears to be arguing that the evidence of genericness must specifically show that SOCIAL SECURITY LAW GROUP is equated by consumers with the services as specifically identified in the application. The Board in *Cell Therapeutics* rejected this argument:

[A]pplicant makes the following argument: ‘The excerpted articles submitted by the Examining Attorney largely comprise use of the wording ‘CELL THERAPEUTICS’ as broad references to a general field of study or research, not direct and unambiguous references to [applicant’s] underlying research and development services.’

In essence, applicant is arguing that none of the numerous stories submitted by the Examining Attorney explicitly reference applicant’s identification of goods and services which are, as previously noted, ‘pharmaceutical preparations, namely, bio-chemical signaling pathway modulators of a non-living nature for use in all fields of medicine, medical research and pharmacology’ and for ‘laboratory research and development services in the field of biomedical and therapeutic products that affect cellular signaling pathways.’ Applicant is technically correct. However, if we were to adopt applicant’s test, then no word or term would be found to be generic provided that applicant submitted a highly detailed description of its goods and services.

2003 TTAB LEXIS 375, *6-7.

Moreover, as previously stated, a word or term that names a category is generic for more narrowly identified goods or services. For example, in *Analog Devices*, 1988

⁵¹ 4 TTABVUE 11.

TTAB LEXIS 20, at *21, the Board held that the term ANALOG DEVICES named a category or class of devices having analog capabilities and was generic for a number of products such as operational amplifiers, power supplies, converters, transducers, switches, etc., some of which were in the nature of analog devices. The Board stated:

Moreover, while we readily concede that the category of products which the term 'analog devices' names encompasses a wide range of products in a variety of fields, we do not believe this fact enables such a term to be exclusively appropriated by an entity for products, some of which fall within that category of goods. For example, while terms such as 'digital devices,' 'computer hardware,' 'computer software' and 'electronic devices' just to name a few, may be broad and even nebulous terms, nevertheless, these terms may not be exclusively appropriated but must be left for all to use in their ordinary generic sense.

1988 TTAB LEXIS 20, at *21.

Cf. Patent & Trademark Servs., 1998 TTAB LEXIS 461, *10-11 (rejecting the argument that the phrase PATENT & TRADEMARK SERVICES, INC. is non-descriptive because the phrase is so broad that it does not specify exactly which patent and trademark services applicant offers, also stating that applicant is not entitled to exclusively appropriate the phrase). *See also Remington Prods. v. N. Am. Philips Corp.*, 892 F.2d 1576, 1579-80 (Fed. Cir. 1990) (although applicant argued that the proper description of goods was travel personal care, not travel care, the court found "[t]he short form [TRAVEL CARE] is still descriptive and is merely a somewhat broader category of goods, not being limited to personal care, but inclusive of the care of anything while traveling. Viewed in the context of its use, with the showing of the products, its meaning is perfectly clear and far from arbitrary or merely suggestive.").

Finally, although applicant contends SOCIAL SECURITY LAW GROUP is not the term the relevant public would use to describe the genus, the record evidence reflects that the relevant public would nonetheless understand SOCIAL SECURITY LAW GROUP to refer to a law firm that practices Social Security Law, which would include practicing law in the more specific area of Social Security Disability Supplemental Security Income claims.

II. Conclusion

In view of the foregoing we find that SOCIAL SECURITY LAW GROUP is generic and must be left available for use by other law firms practicing Social Security law.

Decision: The refusal to register SOCIAL SECURITY LAW GROUP based on genericness is affirmed.