THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: October 30, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re AHF, LLC

Serial No. 98366353

Ludomir A. Budzyn of Budzyn IP Law LLC, for AHF, LLC.

Gillian Brown, Trademark Examining Attorney, Law Office 133,
Laurie Kaufman, Managing Attorney.

Before Pologeorgis, English, and Lavache,
Administrative Trademark Judges.

Opinion by Lavache, Administrative Trademark Judge:

Applicant AHF, LLC seeks registration on the Principal Register of the proposed standard-character mark MIZUNARA WOODS (MIZUNARA disclaimed) for "Engineered hardwood flooring featuring wooden veneer of mizunara oak sold integrally therewith," in International Class 19.[1] The Trademark Examining Attorney refused registration of the proposed mark under Trademark Act Section

[1] Application Serial No. 98366353, filed January 19, 2024, based on an allegation of a bona fide intention to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. § 1051(b).

2(e)(1), 15 U.S.C. § 1052(e)(1), on the ground that it is merely descriptive of Applicant's identified goods. After the Examining Attorney issued a final refusal, Applicant appealed and filed a request for reconsideration, which the Examining Attorney denied. The appeal then resumed and has been fully briefed.[2] For the reasons explained below, we **affirm** the refusal to register the proposed mark.

I. Relevant Law

Section 2(e)(1) of the Trademark Act bars registration of a mark that is merely descriptive when used on or in connection with an applicant's identified goods, and the mark has not otherwise acquired distinctiveness.[3] *See* 15 U.S.C. §§ 1052(e)(1), 1052(f). A term is merely descriptive "if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods . . . with which it is used." *In re Chamber of Com. of the U.S.*, 675 F.3d 1297, 1300 (Fed. Cir. 2012) (quoting *In re*

[2] Applicant's Appeal Brief, 6 TTABVUE; Examining Attorney's Brief, 8 TTABVUE; Applicant's Reply Brief, 9 TTABVUE. The TTABVUE and Trademark Status and Document Retrieval (TSDR) citations in this opinion refer respectively to entries in the Board's electronic docket and the downloadable PDF version of the electronic application file. For TTABVUE citations, the number preceding the TTABVUE designation is the docket entry number and any numbers following indicate the relevant page numbers within the docket entry.

The Examining Attorney's Appeal brief, as reproduced in USPTO records, features extra-wide margins and is 30 pages long, which exceeds the 25-page limit for briefs prescribed by Trademark Rule 2.142(b)(2), 37 C.F.R. § 2.142(b)(2). We are uncertain why the margins are so wide, but if they were the standard width, the brief would satisfy the 25-page limit. We have therefore considered the brief. *See In re Univ. of Miami*, No. 86616382, 2017 TTAB LEXIS 171, at *3 n.2 (TTAB 2017) (Board exercised its discretion to consider applicant's appeal brief and reply brief, which were not double-spaced, because they would fall within the applicable page limits if they were double-spaced); *cf. In re Dimarzio, Inc.*, No. 87213400, 2021 TTAB LEXIS 457, at *7 (declining to consider applicant's appeal brief where the brief "would undoubtedly exceed 25 pages if Applicant used double-spaced text, as required").

[3] Here, Applicant has not claimed acquired distinctiveness of the mark, either in whole or in part.

Bayer AG, 488 F.3d 960, 963 (Fed. Cir. 2007)); *see also In re TriVita, Inc.*, 783 F.3d 872, 874 (Fed. Cir. 2015). By contrast, a mark is suggestive if it "requires imagination, thought, and perception to arrive at the qualities or characteristics of the goods." *In re Gyulay*, 820 F.2d 1216, 1218 (Fed. Cir. 1987).

Descriptiveness must be assessed not in the abstract, but "in relation to the goods for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods because of the manner of its use or intended use." *Bayer*, 488 F.3d at 964 (citing *In re Abcor Dev. Corp.*, 588 F.2d 811, 813 (CCPA 1978)). In simpler terms, "[w]e ask 'whether someone who knows what the goods . . . are will understand the mark to convey information about them.'" *In re Fallon*, No. 86882668, 2020 TTAB LEXIS 464, at *21-22 (quoting *Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 974 (Fed. Cir. 2018)). Here, in view of the identified goods, we must consider the perception of the average consumers of engineered hardwood flooring. *See In re Zuma Array Ltd.*, No. 79288888, 2022 TTAB LEXIS 281, at *7 ("Whether a mark is merely descriptive or not is determined from the viewpoint of the relevant purchasing public." (quoting *In re Omniome, Inc.*, No. 87661190, 2019 TTAB LEXIS 414, at *16)).

Evidence of the relevant purchasers' understanding of a term or phrase in connection with particular goods "may be obtained from any competent source, such as purchaser testimony, consumer surveys, listings in dictionaries, trade journals, newspapers[,] and other publications." *Real Foods*, 906 F.3d at 974 (quoting *Royal Crown Co. v. Coca-Cola Co.*, 892 F.3d 1358, 1366 (Fed. Cir. 2018)). "These sources

may include [w]ebsites, publications and use 'in labels, packages, or in advertising materials directed to the goods.'" *In re N.C. Lottery*, 866 F.3d 1363, 1368 (Fed. Cir. 2017) (quoting *Abcor*, 588 F.2d at 814). Evidence of an applicant's own use may also be considered when determining descriptiveness. *See Omniome*, 2019 TTAB LEXIS 414, at *14.

II. Analysis

With a proposed mark like MIZUNARA WOODS, we first consider the meaning of the component terms and then determine whether the proposed mark, as a whole, is merely descriptive. *DuoProSS Meditech Corp. v. Inviro Med. Devices Ltd.*, 695 F.3d 1247, 1255 (Fed. Cir. 2012). That is, we assess whether the combination of component terms "conveys any distinctive source-identifying impression contrary to the descriptiveness of the individual parts." *In re Fat Boys Water Sports LLC*, No. 86490930, 2016 TTAB LEXIS 150, at *14-15 (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1175 (Fed. Cir. 2003)). If each component "retains its merely descriptive significance in relation to the goods, the combination results in a composite that is itself merely descriptive." *Fat Boys*, 2016 TTAB LEXIS 150, at *15 (citing *In re Tower Tech., Inc.*, No. 75709532, 2002 TTAB LEXIS 300, at *10).

Here, Applicant disclaimed the term MIZUNARA after the Examining Attorney provided evidence that the term refers to a variety of oak tree from Japan[4] and the wood it produces.[5] And Applicant has identified its goods as "featuring wooden veneer

[4] *See* August 20, 2024 Nonfinal Office Action at TSDR 2, 8, 14.

[5] *See, e.g.*, *id.* at 47-50; June 4, 2025 Final Office Action at TSDR 150-151.

of mizunara oak." Thus, there is no dispute that MIZUNARA is merely descriptive as applied to the identified goods. *See, e.g.*, *In re Six Continents Ltd.*, No. 88430142, 2022 TTAB LEXIS 35, at *23 (disclaimer of SUITES in mark ATWELL SUITES "is a concession that 'Suites' is not inherently distinctive"); *In re Taylor & Francis [Publishers], Inc.*, No. 75229157, 2000 TTAB LEXIS 380, at *4-5 (finding the word "psychology" in the mark PSYCHOLOGY PRESS merely descriptive where the application identified the goods as "nonfiction books in the field of psychology"). Specifically, in the Examining Attorney's words, "MIZUNARA is used . . . to describe various goods that feature MIZUNARA oak" and thus "the term is descriptive of the applicant's hardwood flooring in that it features MIZUNARA oak."[6]

As to the term WOODS, the record includes the following dictionary and encyclopedia evidence:

- The OXFORD ADVANCED AMERICAN DICTIONARY defines "wood," as "the hard material that the trunk and branches of a tree are made of" or "this material when it is used to build or make things with."[7] The same excerpt provides the following example of the plural version's use: "furniture made of a variety of different woods."[8]

- An excerpt from the Random House Learner's Dictionary of American English provides a similar definition of "wood": "the hard, fiberlike substance that makes up most of the stem and branches of a tree or shrub beneath the bark" or "timber or lumber."[9] The excerpt cites the phrase "different hard woods" as an example of the plural version's use.[10]

[6] Examining Attorney's Brief, 8 TTABVUE 8.

[7] June 4, 2025 Final Office Action at TSDR 14.

[8] *Id.*

[9] *Id.* at 21.

[10] *Id.*

- An entry appearing on NewWorldEncyclopedia.com defines "wood" as "[t]he substance making up the central part of the trunk and branches of a tree," which is "[u]sed as a material for construction, to manufacture various items, etc.," or "[t]he wood of a particular species of tree."[11] The entry includes the following example illustrating the latter definition: "Teak is much used for outdoor benches, but a number of other woods are also suitable."[12]

- An excerpt from WordHippo.com explains that "the noun wood can be countable or uncountable" and thus the plural form of the term can be "wood" or "woods[,] e.g.[,] in reference to various types of woods or a collection of woods."[13]

The Examining Attorney has also provided third-party website evidence showing the term "woods" being used to refer to wood types utilized for flooring. For example:

- The website for Carlisle Wide Plank Floors explains that "there's a wide range of **woods** commonly used for flooring and lots of variety in the density of each species," and notes that the company "offer[s] a wide variety of **woods** that range from extremely dense to fairly soft, enabling . . . customers to choose the perfect floor for their home."[14]

- An excerpt from HGTV.com notes that "oak still accounts for about two-thirds of all installed hardwood flooring in America," but provides a list of other species that are "[s]ome of the most popular **woods** right now."[15]

- The Bonhoff Lumber Co. website provides a list of the "Six Best Domestic **Woods** for Flooring Material."[16]

- ElementalHardwoods.com advertises its products as "The World's Finest Hardwood Flooring," noting that the company "focuses on

[11] February 10, 2026 Denial of Request for Reconsideration at TSDR 11-12.

[12] *Id.* at 12 (emphasis omitted).

[13] June 4, 2025 Final Office Action at TSDR 25.

[14] *Id.* at 42-43. In this example and all that follow, the emphasis on certain wording is ours unless otherwise noted.

[15] *Id.* at 51.

[16] *Id.* at 54.

> sustainability practices by responsibly hand selecting the finest, longest-lasting, most beautiful **woods** from across the globe."[17]

- A blog post on UBHardwoods.com recommends that, "[i]f you plan to install hardwood floors in a high-traffic area of your home, the best **woods** tend to be hickory, maple, white oak, ash, and red oak."[18]

Based on this evidence, the Examining Attorney argues that "the relevant purchasing public is accustomed to seeing the term WOODS in the flooring industry to refer to different varieties of WOODS."[19] Therefore, the Examining Attorney concludes that

> in this case, both the individual components [of the proposed mark] and the composite result are descriptive of Applicant's goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods. Specifically, the combination of MIZUNARA and WOODS does not create a new or nondescriptive meaning. Rather, consumers will understand the composite phrase as describing a characteristic of Applicant's hardwood flooring, in that the flooring has the characteristic of being a collection of WOODS featuring MIZUNARA oak.[20]

We agree and find Applicant's arguments to the contrary unpersuasive.

Specifically, Applicant contends that, based on the evidence of record, "the term WOODS may be used in plural to indicate a variety of 'woods', i.e., different types of wood, but not to indicate a plural set of pieces of the same type of wood."[21] Applicant asserts that "Mizunara oak is referenced as a singular type of wood" and thus "[a] consumer will look at the [proposed mark], in its entirety, and interpret the mark to

---

[17] *Id.* at 68.

[18] *Id.* at 76.

[19] Examining Attorney's Brief, 8 TTABVUE 14.

[20] *Id.*

[21] Applicant's Appeal Brief, 6 TTABVUE 5 (emphasis deleted).

be 'a variety or collection of different WOODS' and then, will need to make a connection to mizunara oak in the singular and try to understand how this represents a 'variety or collection.'"[22] Therefore, according to Applicant, "an incongruity is present" in the proposed mark and a "consumer will certainly need a mental pause to reconcile these incongruous concepts, a hallmark of a mark being suggestive."[23]

In support of this argument, Applicant addresses whether "wood" is a countable or uncountable noun, as well as the different ways the term is treated in British and American English.[24] However, we need not delve further into these issues, because we have evidence of record showing that, in the context of flooring, "woods" is used to refer to a particular type of wood or a collection featuring a particular type of wood. For example:

- The website for Temple Johnson Floors advertises the different visual characteristics of the "many markings in the mostly white oak **woods**" used in a particular line of hardwood flooring.[25]

- The website for Southern Wood Floors explains that "while white and red oak **woods** may seem very similar on the surface, there are some subtle differences between them that make white oak wood generally superior to its red variety."[26]

- The website for Carpet One includes information about hardwood flooring and explains that both red and white "oak **woods** are fairly resistant to dents and scratches."[27]

[22] *Id.* at 8-9.

[23] *Id.* at 9.

[24] Applicant's Appeal Brief, 6 TTABVUE 3-9.

[25] February 10, 2026 Denial of Request for Reconsideration at TSDR 24.

[26] *Id.* at 30.

[27] *Id.* at 67 (emphasis on "woods" in original; all other emphasis in original deleted).

- A page on The Wholesale House website devotes a section to discussing "hard maple **woods**."[28]

- The Wisteria Lane website, which advertises "Factory Direct Flooring," addresses the hardness of "Pine **woods**."[29]

- The "Rare Wood News" section of the website for E.T. Moore Manufacturing, Inc. notes that consumers "will pay more for genuine reclaimed pine heart **woods**."[30]

Thus, while Applicant is correct that "woods" can refer to different types of wood, as some of the evidence previously discussed shows, that is not the only potential meaning of the term when used in connection with flooring. *In re Mueller Sports Med., Inc.*, No. 87209946, 2018 TTAB LEXIS 156, at *18 ("[S]o long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive." (quoting *In re Chopper Indus.*, No. 73273140, 1984 TTAB LEXIS 118, at *5-6)); *cf. In re Nursecon, LLC*, No. 88052194, 2024 TTAB LEXIS 545, at *16 ("The fact that a term may have other meanings in different contexts is not controlling."). Accordingly, we reject Applicant's argument that MIZUNARA WOODS is somehow incongruous because of the pluralization of WOODS and instead concur with the Examining Attorney's finding that consumers viewing the proposed mark will immediately understand it as referring to a feature or characteristic of Applicant's flooring in that the flooring contains mizunara oak woods.[31] *See, e.g.*, *In re Cordua Rests., Inc.*, 823 F.3d 594, 603 (Fed. Cir. 2016) (rejecting applicant's argument that

[28] *Id.* at 33.

[29] *Id.* at 38.

[30] *Id.* at 48.

[31] Examining Attorney's Brief, 8 TTABVUE 18.

pluralizing the proposed mark rendered it non-generic, noting that "[w]hile each trademark must always be evaluated individually, pluralization commonly does not alter the meaning of a mark").

We also reject Applicant's argument that "[m]any [U.S. consumers] may recognize the term MIZUNARA as Japanese, but may consider it coined, e.g., consider it as relating to anime or video-game genres, which are highly associated with Japanese culture" and thus "MIZUNARA WOODS may be perceived as a fantasy or made up place with no connection to an actual species of oak."[32] There is no support in the record for this argument. *See Enzo Biochem, Inc. v. Gen-Probe Inc.*, 424 F.3d 1276, 1284 (Fed. Cir. 2005) ("Attorney argument is no substitute for evidence."). And, as discussed above, Applicant has disclaimed MIZUNARA, a concession that the term is merely descriptive of Applicant's goods. Accordingly, we give no credence to the contradictory argument that the term may be perceived by "many" as coined, thus giving the proposed mark, as a whole, a suggestive connotation.

Further, Applicant's argument that the proposed mark, as a whole, will be perceived as something other than descriptive relies on the mistaken premise that the mark is to be considered in the abstract. But "[w]hether consumers could guess what the product is from consideration of the mark alone is not the test." *Hangzhou Mengku Tech. Co. v. Shanghai Zhenglang Tech. Co.*, No. 91272143, 2024 TTAB LEXIS 575, at *24 (quoting *In re Am. Greetings Corp.*, No. 73284539, 1985 TTAB LEXIS 97, at *3-4). Again, the mark must be considered "in relation to the goods . . .

[32] Applicant's Appeal Brief, 6 TTABVUE 13.

for which registration is sought, the context in which the mark is used, and the possible significance that the mark is likely to have to the average purchaser encountering the goods . . . in the marketplace." *Hangzhou Mengku Tech.*, 2024 TTAB LEXIS 575, at *23-24. In view of the record here, we find no basis for concluding that relevant consumers seeking engineered hardwood flooring featuring wooden veneer of mizunara oak would need to engage in a multi-stage reasoning process to determine the significance of MIZUNARA WOODS when applied to Applicant's goods. In other words, we have no doubt that "someone who knows what the goods . . . are will understand the mark to convey information about them."[33] *Fallon*, 2020 TTAB LEXIS 464, at *21-22.

Lastly, Applicant argues that "there is no evidence on the record of mizunara oak being used in flooring, much less in engineered hardwood flooring."[34] But, again, there is no dispute that MIZUNARA is descriptive in this case. To the extent that Applicant is arguing that consumers would not perceive the proposed mark as descriptive because they have not been exposed to hardwood flooring featuring or composed of mizunara oak, we find the argument uncompelling. Even if Applicant were the only U.S. supplier of hardwood flooring featuring mizunara oak veneer, that fact would not preclude MIZUNARA WOODS from being merely descriptive when

[33] In its reply brief, Applicant cited several cases, both from the Board and various federal courts, as examples where marks were found not to be merely descriptive because they required "some degree of imagination or perception . . . to determine the nature of the [goods or] services." Applicant's Reply Brief, 9 TTABVUE 3-4. These cases, which involved different marks and different goods or services, do not persuade us that the proposed mark here is anything other than merely descriptive.

[34] Applicant's Appeal Brief, 6 TTABVUE 9.

applied to such goods. *In re Swatch Grp. Mgmt. Servs. AG,* No. 85485359, 2014 TTAB LEXIS 131, at *29 n.50 ("Being 'the first and only one to adopt and use the mark sought to be registered does not prove that the mark is not descriptive.'") (quoting *In re Bailey Meter Co.*, 102 F.2d 843, 844 (CCPA 1939)); *cf. In re Nordic Naturals, Inc.*, No. 77131419, 2013 TTAB LEXIS 167, at *26 ("The emphasis on the fact that the applicant may have been the first and only provider of DHA supplements for children does not compel the conclusion that CHILDREN'S DHA cannot now be generic.").

III. Conclusion

Two significant reasons for not registering merely descriptive marks are: "(1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products." *In re Stereotaxis, Inc.*, 429 F.3d 1039, 1042 (Fed. Cir. 2005) (quoting *Abcor*, 588 F.2d at 813). We have considered all the arguments and evidence of record,[35] and conclude that MIZUNARA WOODS, when considered as a whole, is merely descriptive of Applicant's "engineered hardwood flooring featuring wooden veneer of mizunara oak

[35] To support the argument that the USPTO has previously treated WOODS as descriptive in connection with the identified goods, the Examining Attorney introduced during prosecution five third-party registrations that cover Class 19 goods, including flooring, in which WOODS is disclaimed by itself or along with other wording. *See* February 10, 2026 Denial of Request for Reconsideration at TSDR 6, 130-139. Applicant argues that these third-party registrations have no probative value because "the motivation for these disclaimers is unclear" and because some of the disclaimers include other wording in addition to WOODS. Applicant's Appeal Brief, 6 TTABVUE 12. We find that the third-party registrations have at least some probative value, but note that we would have reached the same conclusion as to the descriptiveness of WOODS, and the proposed mark as a whole, even in their absence.

sold integrally therewith." Thus, other entities in the marketplace who choose to offer these goods should be free to use MIZUNARA WOODS in advertising such goods.

Decision: We **affirm** the refusal under Trademark Act Section 2(e)(1) to register Applicant's proposed mark MIZUNARA WOODS.