

This Opinion is not a
Precedent of the TTAB

Hearing: March 26, 2026

Mailed: March 30, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

—
Trademark Trial and Appeal Board

—
In re Knoll, Inc.

—
Serial No. 98370045

—
Christopher Turk of the Belles Group, P.C.,
for Knoll, Inc.

Philip Liu, Trademark Examining Attorney, Law Office 109,
Michael Kazazian, Managing Attorney.

—
Before Pologeorgis, Thurmon, and Brock,
Administrative Trademark Judges.

Opinion by Pologeorgis, Administrative Trademark Judge:

Knoll, Inc. (“Applicant”) seeks registration on the Principal Register of the standard character mark **TUGENDHAT** for “seating furniture” in International Class 20.¹

¹ Application Serial No. 98370045, filed on January 22, 2024, based upon Applicant’s allegation of a bona fide intention to use the mark in commerce under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b). The application includes the following translation statement: “The wording ‘TUGENDHAT’ has no meaning in a foreign language.”

The Trademark Examining Attorney refused registration of Applicant's mark under Section 2(e)(4) of the Trademark Act, 15 U.S.C. § 1052(e)(4), on the ground that TUGENDHAT is primarily merely a surname.

When the refusal was made final, Applicant appealed and requested reconsideration. When the request for reconsideration was denied, this appeal resumed. The appeal is fully briefed. An oral hearing was held on March 26, 2026. For the reasons explained below, we affirm the refusal to register.

I. Applicable Law – Primarily Merely a Surname

Section 2(e)(4) of the Trademark Act prohibits registration of a mark that is “primarily merely a surname.” 15 U.S.C. § 1052(e)(4).² “The test for determining whether a mark is primarily merely a surname is the primary significance of the mark as a whole to the purchasing public.” *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554 (Fed. Cir. 1988); *see also In re Harris-Intertype Corp.*, 518 F.2d 629, 631 (CCPA 1975) (the “primary significance to the purchasing public” is determinative) (citations omitted); *In re Six Continents Ltd.*, No. 88430142, 2022 WL 407385, at *3 (TTAB 2022) (“We conduct our analysis from the perspective of the purchasing public because it is that impact or impression which should be evaluated in determining

² A mark consisting of surname may be registered on the Principal Register if the surname has acquired distinctiveness as a source identifier under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f). *See, e.g., Schlafly v. Saint Louis Brewery, LLC*, 909 F.3d 420, 425 (Fed. Cir. 2018). However, as is normally the case with § 1(b) applications, Applicant has not claimed acquired distinctiveness under § 2(f). *See generally* TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1212.09 (Nov. 2025).

whether or not the primary significance of a word when applied to a product is a surname significance.”) (cleaned up; citations omitted).

In *In re Etablissements Darty et Fils*, 759 F.2d 15 (Fed. Cir. 1985), the Federal Circuit considered several inquiries in determining whether the purchasing public would perceive a proposed mark as primarily merely a surname, including: (1) whether the applicant adopted a principal’s name and uses it in a way that reveals its surname significance; (2) whether the term has a non-surname, ordinary language meaning; and (3) the extent to which other people have that surname (i.e., its degree of rarity or commonality). *Id.* at 17. The Board expanded on those three potential inquiries in *In re Benthin Mgmt. GmbH*, No. 74340080, 1995 WL 789509 (TTAB 1995), adding two more inquiries that could lead to probative evidence: (4) whether the term has the “structure and pronunciation” or “look and sound” of a surname; and (5) whether the stylization of lettering is distinctive enough to create a separate commercial impression. *Id.* at *2-3. “These inquiries are not exclusive, nor are they presented in order of importance; any of the inquiries--singly or in combination--as well as any other relevant circumstances, may shape the analysis in a particular case.” *Six Continents*, 2022 WL 407385, at *3 (citations omitted).

When we are faced with a Section 2(e)(4) refusal of a term in standard character form, with no other literal or design elements, as is the case here, we consider the impact the applied-for term has or would have on the purchasing public because “it is that impact or impression which should be evaluated in determining whether or not the primary significance of a word when applied to a product is a surname

significance. If it is, *and it is only that*, then it is primarily merely a surname.” *In re Harris-Intertype Corp.*, 518 F.2d 629, 631 (CCPA 1975) (quoting *Ex parte Rivera Watch Corp.*, 1955 WL 6450, at *4 (Comm’r Pat. 1955)) (emphasis in original).

Whether the primary significance of an applied-for mark is merely that of a surname is a question of fact. *See Darty*, 759 F.2d at 17. There is no rule as to the kind or amount of evidence necessary to show that the applied-for mark would be perceived as primarily merely a surname. This question must be resolved on a case-by-case basis. *Id.*; *see also, e.g., In re Pohang Iron & Steel Co.*, No. 73439003, 1986 WL 83576, at *1 (TTAB 1986). The entire record is examined to determine the primary significance of a term.

II. Discussion

Using the inquiries outlined above, we now examine the evidence and arguments to determine whether the primary significance of TUGENDHAT to the purchasing public is that of a surname.

A. Whether TUGENDHAT is Commonly or Rarely Encountered as a Surname

We first consider the frequency with which TUGENDHAT is encountered or recognized by the public as a surname. “The relevant question is not simply how frequently a surname appears, however, but whether the purchasing public for Applicant’s services is more likely to perceive Applicant’s proposed mark as a surname rather than as anything else.” *In re Beds & Bars Ltd.*, No. 85597669, 2017

WL 2391858, at *8 (TTAB 2017) (finding BELUSHI'S to be primarily merely a surname).

In order to show that the primary significance of the term TUGENDHAT is that of a surname, the Examining Attorney submitted the following evidence:

1. A Wikipedia entry for “TUGENDHAT” that states: “The Tugendhat family was a family of Czech-Jewish textile and oil industrialists.”³ The entry also lists the following family names:⁴

Family name [\[edit\]](#)

- [Christopher Tugendhat, Baron Tugendhat](#) (born 1937), a British Conservative politician, businessman
- [Daniela Hammer-Tugendhat](#) (born 1946), Venezuelan born, Swiss-Austrian art historian
- [Ernst Tugendhat](#) (1930–2023), Czech-German philosopher
- [Michael Tugendhat](#) (born 1944), judge of the High Court of England and Wales, brother of Christopher Tugendhat
- [Tom Tugendhat](#) (born 1973), British Conservative politician, son of Sir Michael Tugendhat

2. A Wikipedia entry for “VILLA TUGENDHAT” that states, in relevant part:⁵

³ August 22, 2024 Office Action, TSDR p. 6. This Wikipedia entry, as well as the ones for Tugendhat Villa and Tugendhat Chair, like all Internet evidence, can be considered only for what they show on their face, not for the truth of matters, unless corroborated by testimony. *See WeaponX Performance Prods. Ltd. v. Weapon X Motorsports, Inc.*, No. 91221553, 2018 WL 1326374, at *4 (TTAB 2018). Here, there is no corroborating testimony attesting to the truth of the matters contained within these Internet materials. Nevertheless, because the content of the Wikipedia entries is consistent with other evidence of record, we accord these entries probative value to the extent that they show that TUGENDHAT, TUGENDHAT VILLA, and TUGENDHAT CHAIR have achieved recognition significant enough that Wikipedia entries devoted to them have been created.

⁴ *Id.*

⁵ *Id.*, TSDR p. 12. The blue arrows in certain evidentiary images in this decision were provided by the Board to indicate relevant information.

Villa Tugendhat (Czech: *Vila Tugendhat*) is an architecturally significant building in Brno, Czech Republic. It is one of the pioneering prototypes of modern architecture in Europe, and was designed by the German architects Ludwig Mies van der Rohe and Lilly Reich. It was built between 1928 and 1930 for Fritz Tugendhat and his wife Greta, of the wealthy and influential Jewish Czech Tugendhat family. Of reinforced concrete,^[1] the villa soon became an icon of modernism. Famous for its revolutionary use of space and industrial building materials, the building was added to the UNESCO World Heritage List in 2001.^[2]



3. A Wikipedia entry for “VILLA CHAIR” that states, in relevant part:⁶

Tugendhat chair

Article Talk

From Wikipedia, the free encyclopedia

The **Tugendhat chair** (model number MR70) is a modernist cantilever chair designed by Ludwig Mies van der Rohe in collaboration with Lilly Reich 1929–1930 for the Tugendhat House in Brno, Czechoslovakia.



In appearance, the Tugendhat chair is somewhat of a hybrid of van der Rohe and Reich's 1929 Barcelona chair and 1929–1930 Brno chair. Like the Barcelona chair, the Tugendhat chair has a large padded leather seat and back, supported by leather straps mounted on a steel frame and legs. However, like one variant of the Brno chair, the frame is flat solid steel, formed under into a C-shape under the seat to create a cantilever. Versions exist with or without leather-padded steel arms. The metal was originally polished stainless steel; modern examples are often chrome-plated.

4. A search in the LEXIS/NEXIS surname database that shows that the surname TUGENDHAT appears 16 times;⁷
5. A search on www.ancestry.com revealed 423 records of persons with the surname Tugendhat;⁸

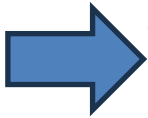
⁶ *Id.*, TSDR p. 10.

⁷ *Id.*, TSDR p. 14. Although the search results indicates that 16 “hits” for the surname TUGENDHAT were retrieved, the printed excerpt only identifies 10 persons and some appear to be duplicative.

⁸ January 18, 2025 Final Office Action, TSDR p. 14.

6. A search on www.forbears.com (a genealogy website) revealed approximately 117 people who bear the surname Tugendhat;⁹
7. A screenshot from Applicant's own website, www.knoll.com, touting the Tugendhat family connection. See below:¹⁰

A work of total architecture



Architects Ludwig Mies van der Rohe and Lilly Reich designed a home for the Tugendhat family in 1929. Located in Brno, Czech Republic, the villa is a celebrated example of functionalist architecture, featuring austere concrete construction, exterior walls of glass, and open interiors filled with natural light.

A work of total architecture, Mies also specified everything for the interior, from light switches to furnishings. One of the pieces he designed, used in several rooms of the house, was the Feder-Sessel ("spring chair" in English) that became known as the Tugendhat Chair when photos of the villa were featured in the press.

8. Screenshots from a blog article authored by Tom Tugendhat titled "My name teaches me old hate is still alive" found on the website www.timesofisrael.com;¹¹ and
9. A screenshot from www.wallpaper.com regarding Applicant's Tugendhat chair and how it was "designed and built for the family of the same name ..." See below:¹²

⁹ *Id.*, TSDR p. 13.

¹⁰ *Id.*, TSDR p. 15.

¹¹ *Id.*, TSDR at p. 12.

¹² January 18, 2025 Final Office Action, TSDR p. 9. The highlighting was provided by the Examining Attorney.

The Tugendhat Chair
(Image credit: Courtesy Knoll)

The Tugendhat Chair was originally designed in 1929 for the legendary villa of the same name, itself designed and built for the family of the same name in Brno, in the Czech Republic, by Mies and Lilly Reich. The Tugendhat Villa is surely one of the greatest examples of total design. From landscape to architecture to interior to furniture down to every last detail, the villa was more than a project or a commission, it was a world-building exercise for van der Rohe and Reich, and the Tugendhats too, of course (one hopes). Still today, the experience of stepping into the villa and its grounds is utterly transporting. It is a portal to a beautiful, better world.

Applicant argues the TUGENDHAT surname is exceptionally rare and therefore would not be perceived as a surname and supports its argument by comparing the listings for TUGENDHAT to surnames in the general public.¹³ However, Applicant's argument is unavailing because the determination on whether a surname is common or rare is not determined solely by comparing the number of listings of the surname to the total number of listings in a computerized database, because even the most common surname would represent only a small fraction of the database. *In re Gregory*, No. 76277664, 2004 WL 1195609, at *3 (TTAB 2004) (“the question whether a surname is or is not rare is not to be determined solely by comparing the number of listings of the name to the total number of listings in a vast computerized database.”).

Moreover, even if “TUGENDHAT” is a relatively rare surname in the United States, that would not *per se* preclude a finding that a term is primarily merely a surname inasmuch as even a rare surname may be held primarily merely a surname

¹³ Applicant's Appeal Brief, pp. 3-5, 8 TTABVUE 8-10.

if its primary significance to purchasers is that of a surname. *See In re Adlon Brand GmbH & Co. KG C10 Fundus Fonds-Verwal Tungen GmbH*, No. 85831682, 2016 WL 7385751, at *4 (TTAB 2016) (“The issue to be determined under the statute is whether the public would perceive the surname significance as the proposed mark’s primary significance, not whether the surname is rarely encountered.”); *In re Eximius Coffee, LLC*, No. 86262060, 2016 WL 6819241, at *5 (TTAB 2016) (“even a rare surname is unregistrable if its primary significance to purchasers is a surname.”).

Applicant further argues that the public exposure of the TUGENDHAT surname is very limited unlike the surnames discussed in the Board’s decisions in *In re Beds & Bars Ltd.* and *In re Six Continents Ltd.* Applicant contends that in these cases the surname at issue was “subjected to widespread media attention,” where here the evidence demonstrates a de minimis exposure of TUGENDHAT.¹⁴

The inquiry, however, is not whether the surname is subjected to widespread media attention; the statutory inquiry is whether the relevant public would perceive the term as a surname, not how frequently the surname appears in the population. *See Earnhardt v. Kerry Earnhardt, Inc.*, 864 F.3d 1374, 1377 (Fed. Cir. 2017) (quoting *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554 (Fed. Cir. 1988)). In any event, Applicant’s own advertising and marketing materials emphasize the surname significance of TUGENDHAT by promoting the Tugendhat family connection with its goods.

¹⁴ *Id.* at pp. 4-5, 8 TTABVUE 9-10.

We conclude from the evidence of record that while TUGENDHAT is not a common surname, there is meaningful and fairly sufficient exposure to the surname throughout the United States, especially Applicant's own marketing materials in an online catalog or at the point of sale. Accordingly, the evidence supports a finding that TUGENDHAT is likely to be perceived by the public as a surname.

B. Whether TUGENDHAT is the Surname of Anyone Connected with Applicant

Applicant states that "there is absolutely no evidence that anyone connected with Applicant uses the term [TUGENDHAT] as a surname."¹⁵ Even though no one connected with Applicant is named Tugendhat, that says nothing about the primary significance of the term to the purchasing public. *See Adlon*, 2016 WL 7385751, at *7 ("[t]he apparent absence of a person named ADLON in Applicant's current management does not, in itself, reduce the likelihood that the public would perceive the mark as a surname."). The absence of a family member connection is, at best, neutral. *In re Thermo LabSystems Inc*, No. 78204502, 2007 WL 809858, at *2 (TTAB 2007).

That being said and as previously noted, Applicant's own marketing material emphasizes the Tugendhat family connection. For example, the following screenshot from Applicant's website (www.knoll.com) states how architects designed a home for the Tugendhat family in 1929, including interior pieces such as a "spring chair" that became known as the "Tugendhat chair."¹⁶

¹⁵ Applicant's Appeal Brief, p. 5, 8 TTABVUE 10.

¹⁶ January 18, 2025 Final Office Action, TSDR p. 15. Blue arrow provided by the Board.

A work of total architecture



Architects Ludwig Mies van der Rohe and Lilly Reich designed a home for the Tugendhat family in 1929. Located in Brno, Czech Republic, the villa is a celebrated example of functionalist architecture, featuring austere concrete construction, exterior walls of glass, and open interiors filled with natural light.

A work of total architecture, Mies also specified everything for the interior, from light switches to furnishings. One of the pieces he designed, used in several rooms of the house, was the Feder-Sessel (“spring chair” in English) that became known as the Tugendhat Chair when photos of the villa were featured in the press.

Applicant cannot simultaneously build its brand around a family’s historic legacy and then argue that consumers will not perceive the mark as a surname because no family member is employed by the company. Indeed, Applicant concedes that TUGENDHAT is a family name by asserting “the Goods are named after the Tugendhat chair designed for the Tugendhat Villa, and named for the Tugendhat family,”¹⁷ Accordingly, we find no meaningful difference between Applicant’s promotion of a connection with a family having the surname TUGENDHAT and other cases where we held that a party’s promotion of its founder having the surname as establishing public exposure to that surname. *See In re Olin Corp.*, No. 86651083, 2017 WL 4217176, at *5 (TTAB 2017) (although there was “no evidence that anyone with the surname OLIN has had a publicly known connection with the company in recent years,” Applicant’s marketing indicating that its founder had that name “further supports that the public perceives OLIN primarily as a surname.”); *see also*

¹⁷ Applicant’s Appeal Brief, p. 5, 8 TTABVUE 10.

Adlon, 2016 WL 7385751, at *5 (Applicant’s reliance on evidence showing ADLON may designate an historic hotel was “obviously problematic” because the evidence also showed “that the hotel was named ADLON [after] the surname of its founder, and was subsequently held out as a family operation”).

Put simply, Applicant’s self-made connection between its products and the Tugendhat family and its eponymous villa exacerbates the surname significance of TUGENDHAT because actual purchasers of Applicant’s products will encounter the mark alongside surname use of TUGENDHAT when viewing Applicant’s own advertising and marketing material and even point-of-sale information. Furthermore, there is no evidence showing that the Tugendhat family has any notoriety in the eyes of consumers other than possibly through Applicant’s promotion, let alone reach a level of fame that has been found in other cases as overcoming surname significance. *Cf. Lucien Piccard Watch Corp. v. Since 1868 Crescent Corp.*, 314 F. Supp 329, 331 (SDNY 1970) (holding DA VINCI not primarily merely a surname because it primarily connotes Leonardo Da Vinci); *In re Pyro-Spectaculars, Inc.*, No. 75398909, 2002 WL 745587, at *3 (TTAB 2002) (holding SOUSA for fireworks and production of events and shows featuring pyrotechnics not primarily merely a surname, where the evidence showed present day recognition and continuing fame of John Philip Sousa as a composer of patriotic music, and the applicant’s goods and services were of a nature that “would be associated by potential purchasers with patriotic events such as the Fourth of July, patriotic figures, and patriotic music”).

In sum, we find that the purchasing public will understand TUGENDHAT as a family name regardless of whether descendants currently work for Applicant simply because Applicant's own marketing material ties the mark to the Tugendhat family villa, reinforcing the surname perception of the purchasing public.

C. Whether TUGENDHAT has any Recognized Meaning other than a Surname

Applicant argues that the term TUGENDHAT is best recognized as the name of an architectural landmark, i.e., the Villa Tugendhat, and a specific design style of furniture, namely, the Tugendhat chair.¹⁸ As such, Applicant maintains that consumers encountering the mark will associate it with aesthetics and design, not a family lineage.¹⁹

We disagree. The negative dictionary evidence of record shows that there is no other meaning to the term TUGENDHAT.²⁰ Furthermore, Applicant itself provided a negative translation statement: "The wording 'TUGENDHAT' has no meaning in a foreign language", and has not provided any evidence that there is an alternative meaning for TUGENDHAT. The term appears in use only as a surname.²¹ This finding is based on the absence of evidence of that would ascribe any other meaning to TUGENDHAT than that of a surname.

¹⁸ Applicant's July 18, 2025 Request for Reconsideration, TSDR p. 4.

¹⁹ *Id.*

²⁰ January 18, 2025 Final Office Action, TSDR p. 8.

²¹ *Id.*, TSDR pp. 10-14.

In addition, the applied-for mark is presented in standard characters. There are no stylization or design elements that would alter the primary significance of the surname. TMEP § 1211.01(b)(ii). Thus, there are no other elements in the applied-for mark that would obscure the purchasing public's perception that TUGENDHAT is primarily merely a surname.²²

Finally, even if some consumers would attribute the meaning of the term TUGENDHAT to a famous villa or a particular design of furniture, the mere existence of non-surname meanings of the mark does not preclude a finding that the mark is primarily merely a surname. "To be considered primarily merely a surname, a term does not have to be devoid of any non-surname significance." *In re Isabella Fiore LLC*, No. 76445173, 2005 WL 1787224, at *3 (TTAB 2005). As this Board has previously stated:

The question is not whether a mark having surname significance might also have a non-surname significance, but whether, in the context of the goods or services at issue, that non-surname significance is the mark's primary significance to the purchasing public, thus eclipsing and relegating the mark's surname significance to secondary rather than primary status.

Miller v. Miller, No. 91184841, 2013 WL 2329829, at *6 (TTAB 2013) (citations omitted). "Thus the determining factor is the primary (not secondary) significance to the public..." *Harris-Intertype Corp.*, 518 F.2d at 631. *See also Darty*, 759 F.2d at 17 ("The statute ... reflects the common law that exclusive rights in a surname per se

²² But even in situations where a mark has some stylization, courts have consistently held that even stylized lettering does not overcome surname significance when the underlying term is a surname. *See In re Pickett Hotel Co.*, No. 73474328, 1986 WL 83680, at *3 (TTAB 1986) (holding PICKETT a surname despite use of stylized lettering).

cannot be established without evidence of long and exclusive use which changes its significance to the public from a surname of an individual to a mark for particular goods or services.”). Accordingly, and on this particular record, we cannot find that TUGENDHAT has a recognized alternative meaning other than being a surname.

D. Whether TUGENDHAT has the Structure and Pronunciation of a Surname

Applicant argues that “[t]he mark TUGENDHAT does not possess the typical structure or phonetic quality of common American surnames. Instead, it appears highly stylized, abstract, and non-intuitive as a family name to U.S. consumers.”²³ Further, Applicant contends that the TUGENDHAT mark resembles “the types of fanciful, often Scandinavian- or Germanic-sounding coined terms used by IKEA® to brand its furniture and home goods,” such as the following:²⁴

- Askersund – a door front
- Mastholmen – a rattan furniture set
- Sparsam – a light bulb
- Ödmjuk – a coffee mug
- Stodja – a flatware organizer
- Fniss – a wastebasket
- Björksta – a picture frame
- Rimforsa – a workbench
- Järvfället – an office chair
- Stubbarp – cabinet legs
- Himleån – a towel
- Mästerby – a step stool
- Knutstorp – rattan chairs
- Billy – a bookshelf
- Fyrkantig – block candles

²³ Applicant’s July 18, 2025 Request for Reconsideration, TSDR p. 4.

²⁴ *Id.*, TSDR pp. 4-5.

We are not persuaded by Applicant's arguments for several reasons. First, Applicant provides no evidence that consumers would perceive TUGENDHAT as a term coined by IKEA® or akin to IKEA's branding strategy. Mere conjecture is not evidence. *See Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1371 (Fed. Cir. 2018) (“[a]ttorney argument is no substitute for evidence;” finding alleged “assertions of fact” in party's brief “is not evidence under any of the relevant rules”) (citations omitted).

Second, the brand names created by IKEA® are linguistically and culturally distinct from the German or Czech language. TUGENDHAT is a Czech-Jewish or Czech-German surname, linked to the Czech Republic through the historic Tugendhat Villa (now a UNESCO World Heritage Site) and the Tugendhat family.²⁵ We find that the purchasing public encountering “Tugendhat” in the context of furniture designed for the Tugendhat family's 1929 villa will not conflate this Czech/German family surname with Swedish place names.

Third, IKEA's naming strategy differs from Applicant's use of TUGENDHAT. IKEA employs Swedish words drawn from various meanings such as a suburb, a lake, a historic village, a town, or a historic battleground.²⁶ In contrast, Applicant's own advertising and marketing material explicitly tie the TUGENDHAT mark with the Tugendhat family and their historical residence. As a result, the connection signals to consumers that TUGENDHAT functions as a surname, i.e., the name of the family

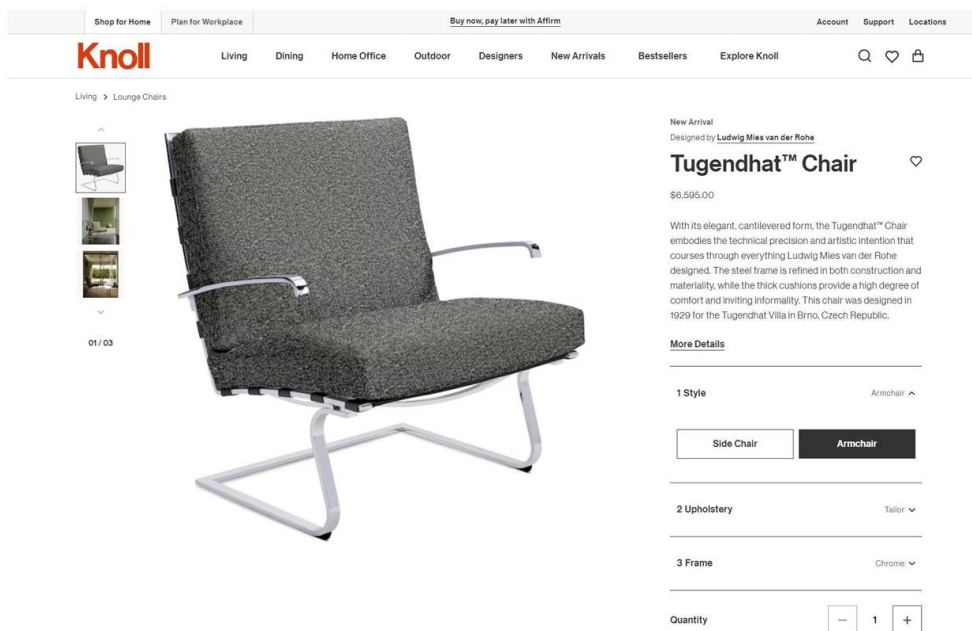
²⁵ August 22, 2024 Non-Final Office action, TSDR p. 6 and July 23, 2025 Denial for Request for Reconsideration, dated July 23, 2025, TSDR p. 5

²⁶ Applicant's July 25, 2025 Request for Reconsideration, TSDR pp. 6-8.

for whom the chair was designed, not as a fanciful word. Applicant cannot simultaneously promote the Tugendhat family connection and then imagine consumers ignoring that message to hypothetically think of IKEA-style naming conventions instead. Based on the evidence as a whole, and because this is a “decidedly subjective” inquiry, *Benthin*, 1995 WL 789509, at * 2, we find this factor to be neutral.

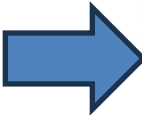
E. Whether Contextual Use by Applicant Reveals Surname Significance

Although Applicant’s application was filed based on an intent-to-use the mark in commerce under Section 1(b) of the Trademark Act, there is evidence of record showing the mark in actual use by Applicant, namely, a screenshot from Applicant’s website, as shown below:²⁷



²⁷ August 24, 2024 Nonfinal Office Action, TSDR p. 8.

Below the wording “Tugendhat™ Chair” in the screenshot above, there is a description of the featured chair which reads as follows:²⁸



With its elegant, cantilevered form, the Tugendhat™ Chair embodies the technical precision and artistic intention that courses through everything Ludwig Mies van der Rohe designed. The steel frame is refined in both construction and materiality, while the thick cushions provide a high degree of comfort and inviting informality. This chair was designed in 1929 for the Tugendhat Villa in Brno, Czech Republic.

Additionally, the record includes another screenshot of Applicant’s website which states that the “[a]rchitects Ludwig Miles van de Rohe and Lilly Reich designed a home for the **Tugendhat family** ... and the villa is a celebrated example of functionalist architecture ... ,” as shown below:²⁹



A work of total architecture

Architects Ludwig Mies van der Rohe and Lilly Reich designed a home for the Tugendhat family in 1929. Located in Brno, Czech Republic, the villa is a celebrated example of functionalist architecture, featuring austere concrete construction, exterior walls of glass, and open interiors filled with natural light.

A work of total architecture, Mies also specified everything for the interior, from light switches to furnishings. One of the pieces he designed, used in several rooms of the house, was the Feder-Sessel (“spring chair” in English) that became known as the Tugendhat Chair when photos of the villa were featured in the press.

²⁸ *Id.*

²⁹ January 18, 2025 Final Office Action, TSDR p. 15.

When viewing these screenshots collectively, they clearly provide contextual clues that consumers would identify the term TUGENDHAT as a family surname.³⁰

F. Resolving Doubt

Lastly, Applicant argues that any doubt regarding the mark's surname significance should be resolved on Applicant's behalf.³¹ We acknowledge that, if there is any doubt, we are inclined to resolve such doubts in favor of Applicant. *See Benthin*, 1995 WL 789509, at *3. Here, however, the evidence of record clearly demonstrates the surname significance of TUGENDHAT. Applicant's own promotional materials places emphasis on the Tugendhat family and villa, the historical association, and the surname origins. Thus, the evidence of record leaves no doubt that the mark is primarily merely a surname under the meaning of Section 2(e)(4) of the Trademark Act.

II. Conclusion

We have considered the evidence before us in its entirety and all relevant factors and ultimately find that a prima facie showing has been made that consumers are likely to view and understand the mark TUGENDHAT on the identified goods to be primarily merely a surname. In reaching this conclusion, we have carefully considered all of Applicant's arguments and evidence, but have found them unpersuasive.

³⁰ Because Applicant's mark appears in standard characters, the *Benthin* factor which concerns whether the stylization of lettering is distinctive enough to create a separate commercial impression is inapplicable in our analysis.

³¹ Applicant's Appeal Brief, p. 7, 8 TTABVue 12.

Decision: The refusal to register Applicant's TUGENDHAT mark under Section 2(e)(4) of the Trademark Act is affirmed.