Mailed: December 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re LumaClean, LLC

Serial No. 98444087

Kathryn Yoches and Victoria Walker of LegalForce RAPC Worldwide, P.C.
for LumaClean, LLC.

Jaime Whelan, Trademark Examining Attorney, Law Office 129,
Pamela Y. Willis, Managing Attorney.

Before Goodman, Heasley, and Brock,
Administrative Trademark Judges.

Opinion by Heasley, Administrative Trademark Judge:

Applicant, LumaClean, LLC, appeals from the Trademark Examining Attorney's final refusal to register its proposed mark STOMADISC (in standard characters) on the Principal Register on the ground that it is merely descriptive of Applicant's identified Class 5 goods, "wound dressings; wound dressings, namely, pledgets; sterile wound dressings,"[1] under Section 2(e)(1) of the Trademark Act, 15 U.S.C.

[1] Application Serial No. 98444087 was filed on March 11, 2024, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), claiming first use and use in commerce of the mark on the identified goods since February 15, 2024.

§ 1052(e)(1). The case is fully briefed.[2] For the reasons discussed below, we affirm the refusal to register.

I. Applicable Law of Mere Descriptiveness

The Trademark Act provides in pertinent part that "[n]o trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it … [c]onsists of a mark which (1) when used on or in connection with the goods of the applicant is merely descriptive … of them…." 15 U.S.C. § 1052(e)(1). A term is merely descriptive within the meaning of Section 2(e)(1) if it immediately conveys information concerning a feature, quality, or characteristic of the goods for which registration is sought. *In re N.C. Lottery*, 866 F.3d 1363, 1367 (Fed. Cir. 2017); *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300 (Fed. Cir. 2012). If a term is merely descriptive, it fails to distinguish the applicant's goods from the goods of others, who have an equal right to use the term in marketing their products. *Hoover Co. v. Royal Appliance Mfg. Co.,* 238 F.3d 1357, 1360 (Fed. Cir. 2001) ("Furthermore, descriptive terms are in the public domain and should be free for use by all who can truthfully employ them to describe their goods. *See Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543-44 (1920)"). An applicant cannot remove a merely descriptive term from the public domain unless it shows that the term has acquired distinctiveness—i.e., that "in the minds of the public, the primary significance of a

[2] Citations to the prosecution file are to the USPTO's TRADEMARK STATUS & DOCUMENT RETRIEVAL ("TSDR") system in .pdf format. Citations to the appeal record are to TTABVUE, the Board's online docketing system.

product feature or term is to identify the source of the product rather than the product itself." *Inwood Labs., Inc. v. Ives Labs.*, 456 U.S. 844, 851 n. 11 (1982), *quoted in Chamber of Commerce*, 675 F.3d at 1300.

It is the Examining Attorney's burden to show that a term is merely descriptive of an applicant's goods or services. *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987). Once a *prima facie* case is established, the burden shifts to the applicant to come forward with evidence to rebut the *prima facie* case. *In re Pacer Tech.*, 338 F.3d 1348, 1350 (Fed. Cir. 2003). Evidence of the purchasing public's understanding of a term

> may be obtained from any competent source, such as purchaser testimony, consumer surveys, listings in dictionaries, trade journals, newspapers[,] and other publications." *Fallon*, 2020 USPQ2d 11249, at *7 (quoting *Real Foods*, 128 USPQ2d at 1374). "These sources may include [w]ebsites, publications and use in labels, packages, or in advertising materials directed to the goods." *Id.*, at *7-8 (quoting *In re N.C. Lottery*, 866 F.3d 1363, 123 USPQ2d 1707, 1710 (Fed. Cir. 2017) (internal quotation omitted)). "Evidence that a term is merely descriptive similarly may come from an applicant's own usage other than that found on its labels, packaging or advertising materials." *Omniome*, 2020 USPQ2d 3222, at *4.

In re Zuma Array Ltd., No. 79288888, 2022 WL 3282655, *5 (TTAB 2022).

The Board resolves doubts as to the mere descriptiveness of a term in favor of the applicant. *In re Fat Boys Water Sports LLC,* No. 86490930, 2016 WL 3915986, *2 (TTAB 2016).

II. Whether STOMADISC is Merely Descriptive of Applicant's Identified Goods

A. The Examining Attorney's Prima Facie Case

The Examining Attorney maintains that the term STOMADISC is merely descriptive of Applicant's identified goods, "wound dressings; wound dressings,

namely, pledgets; sterile wound dressings," for the following reasons.

Applicant's proposed mark combines the words "stoma" and "disc." A "stoma" is "an artificial permanent opening especially in the abdominal wall made in surgical procedures."[3] As a medical website explains:

> Stomas can be created anywhere along the digestive system. Common types of stoma include:
> - Colostomy—from your colon or large intestine
> - Ileostomy—from your small bowel or ileum
> - Urostomy (also known as an ileal conduit)[4]

The National Institute of Health National Library of Medicine reports that "[e]very year thousands of people undergo surgical procedures for diversion resulting in an intestinal or urological stoma."[5]

A "disc" is "a thin circular object"[6] The Examining Attorney adduces evidence of third parties commonly providing disc-shaped wound dressings to apply to such stoma:

[7]

[3] Webster.com, April 11, 2025 Request for Reconsideration after Final Action at 16.

[4] HealthDirect.gov.au, Sept. 24, 2024 Office Action at 5.

[5] NIH National Library of Medicine, ncbi.nlm.nih.gov, Sept. 24, 2024 Office Action at 26.

[6] Merriam-Webster.com, Sept. 24, 2024 Office Action at 11.

[7] BettyMills.com, July 15, 2025 Office Action at 21.

[8]

[9]

Various forms of stoma discs are offered:

[10]

[8] Ontosight.ai/glossary, July 15, 2025 Office Action at 20.

[9] Medical-supplies-equipment-company.com, Jan. 14, 2025 Office Action at 50.

[10] ShopOstomySupplies.com, Sept. 24, 2024 Office Action at 22.

One website advises on how to change a stoma disc: "The stoma disc is loosened with a moist compress and carefully removed."[11] Another advises: "When removing the stoma disc, press the skin with one hand, and slowly tear off the stoma disc with the other hand."[12]

In like manner, Applicant offers its STOMADISC product:

[13]

Applicant's identified goods, consisting mainly of "wound dressings," include "pledgets," "a compress or pad used to apply medication to or absorb discharges (as from a wound)."[14]

[11] MedInfo.net, Jan. 14, 2025 Office Action at 33.

[12] Longterm-Health.com, Jan. 14, 2025 Office Action at 36.

[13] Etsy.com, Jan. 14, 2025 Office Action at 7.

[14] Merriam-Webster.com, 12/1/2025. "The Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed format or regular fixed editions. *In re Cordua Rests. LP*, No. 85214191, 2014 WL 1390504, *2 n.4 (TTAB 2014), *aff'd*, 823 F.3d 594 (Fed. Cir. 2016)." *Look Cycle Int'l v. Kunshan Qiyue Outdoor Sports Goods Co.*, No. 92079409, 2024 WL 3739358, *14 n. 36 (TTAB 2024).

In the course of prosecution, Applicant explained the derivation of its proposed mark:

> The term STOMA is widely recognized in the medical field as referring to a surgically created opening, often associated with colostomy, ileostomy, or urostomy procedures while the term DISC is commonly associated with a flat, round shape but can also imply a structured component related to medical and technological innovations. Together, STOMADISC suggests a specialized disc-like medical product intended for stoma care, and while not a conventional acronym, the structure of the mark implies a shortened, industry-specific reference that consumers must interpret.[15]

Such a combination of descriptive words can, however, still be descriptive. "Where a mark consists of multiple words, the mere combination of descriptive words does not necessarily create a non-descriptive word or phrase." *In re Omniome, Inc.*, No. 87661190, 2019 WL 7596207, *5 (TTAB 2019). "[I]f those two portions individually are merely descriptive of an aspect of [Applicant's] goods, the PTO must also determine whether the mark as a whole, i.e., the combination of the individual parts, conveys any distinctive source-identifying impression contrary to the descriptiveness of the individual parts." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1174-75 (Fed. Cir. 2003). "If each word instead 'retains its merely descriptive significance in relation to the goods, the combination results in a composite that is itself merely descriptive.'" *In re Fallon*, No. 86882668, 2020 WL 6255423, *9 (TTAB 2020) (quoting *Fat Boys*, 2016 WL 3915986, at *6). "A mark comprising a combination of merely descriptive components is registrable only if the combination of terms creates a unitary mark with a non-descriptive meaning, or if the composite has a bizarre or incongruous

[15] April 11, 2025 Request for Reconsideration after Final Action at 12.

meaning as applied to the goods or services." *In re Omniome,* 2019 WL 7596207, at *5.

B. Applicant's Rebuttal

Applicant maintains that combining the individual words "Stoma" and "Disc" into STOMADISC conveys a distinctive, source-identifying impression for several reasons: the term is suggestive, unitary, a double entendre, and/or incongruous. We shall address these arguments, along with Applicant's ancillary contentions, in turn.

Applicant first argues that its proposed mark is not descriptive, but suggestive:

> [T]he mark is a fusion of the terms "STOMA" and "DISC," but the resulting coined compound term "STOMADISC" is not a term of art nor an industry standard. It does not appear in dictionaries or medical glossaries, nor is there any evidence that consumers or competitors use it generically or descriptively in the field of wound care. [16]

Further, it argues:

> A consumer encountering "stoma" may think of ostomy procedures or medical treatments. A consumer encountering "disc" may envision CDs, spine anatomy, or circular objects in a general sense. But the combination "STOMADISC" presents an unfamiliar term that does not readily or clearly describe a wound dressing or pledget without additional context or explanation. It triggers a "mental pause," requiring the consumer to interpret the relationship between the two words, if any.[17]

"Finally," Applicant argues, "even if some consumers might interpret the mark descriptively, that is not the proper legal standard. 'It is well settled that so long as any one of the meanings of a term is not descriptive, the term may not be refused

[16] Applicant's main brief, 4 TTABVUE 12. *See* Merriam-Webster.com, Dec. 20, 2024 Response to Office Action at 18; Merriam-Webster.com, April 11, 2025 Response to Office Action/request for reconsideration at 14 (no dictionary definition of "stomadisc").

[17] Applicant's main brief, 4 TTABVUE 18.

registration as merely descriptive.' *In re Grand Metropolitan Foodservice Inc.*, [No. 74073,517, 1994 WL 270710 (TTAB 1994).]"[18]

We are unable to locate this quote in *Grand Metropolitan Foodservice.* That decision, moreover, involved a double entendre, or dual meaning of MufFuns, "that of muffins and of the 'fun' aspect of applicant's food product." *Id*. at *1. The applicant in that case also disclaimed "muffins," which further distinguishes that case from this. *Id*. at *1 n.2. We shall address the subject of double entendres later. For our present purposes, we note that in general, "[s]o long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive." *In re UST Glob. (Singapore) Pte. Ltd*., No. 87657822, 2020 WL 2093068, *6 (TTAB 2020).

Applicant's other arguments are similarly misplaced. Even if the combined term does not appear in a dictionary, "it is fundamental that a mark does not have to appear in a dictionary in order for it to be merely descriptive of an applicant's goods." *In re Thomas Collators, Inc.*, 1968 WL 8246, *1 (TTAB 1968). Descriptive words such as "Stoma" and "Disc," which do appear in the dictionary, can still be descriptive when combined, even though the combination does not appear in the dictionary. *In re Orleans Wines, Ltd.*, 1977 WL 22593, *2 (TTAB 1977) ("it is well settled that the fact that a term is not found in the dictionary is not controlling on the question of registrability, where as in the present case such term has a well understood and recognized meaning") (finding BREADSPRED merely descriptive of the use or function of jellies and jams).

[18] Applicant's main brief, 4 TTABVUE 11. *See also* Applicant's reply brief, 12 *TTABVUE* 8.

As for Applicant's contention that "STOMADISC" presents an unfamiliar term that does not readily describe a wound dressing without additional context or explanation, we remind Applicant that "[d]escriptiveness must be evaluated in relation to the particular 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." *Chamber of Commerce*, 675 F.3d at 1300 (quoting *In re Bayer AG*, 499 F.3d 960, 964 (Fed. Cir. 2007)). "Whether consumers could guess what the product is from consideration of the mark alone is not the test.… Rather, the question is whether someone who knows what the goods and services are will understand the mark to convey information about them." *Hangzhou Mengku Tech. Co. v. Shanghai Zhenglang Tech. Co*., 2024 WL 5265081, *9 (TTAB 2025) (quoting *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254 (Fed. Cir. 2012) (internal quotation and citation omitted)).

In the present case, the relevant purchasers of the goods would be the attending physicians, who know what stoma discs are, and their patients, whom they would educate in the use of such goods. In that context, both groups of relevant purchasers would apprehend the significance of "STOMADISC" in conveying information about the goods.

Applicant next claims that its applied-for mark is unitary: "While the individual terms 'stoma' (a medical opening) and 'disc' (a general shape) may hold certain descriptive meanings in isolation, the combination 'STOMADISC' is a coined and

unitary mark that does not exist in common usage or medical terminology."[19] Applicant continues, "STOMADISC' is a linguistically blended construction — a coined compound that gives rise to a unique commercial impression."[20]

The Court of Appeals for the Federal Circuit has emphasized, however, that:

> A unitary mark has certain observable characteristics. Specifically, its elements are inseparable. In a unitary mark, these observable characteristics must combine to show that the mark has a distinct meaning of its own independent of the meaning of its constituent elements. In other words, a unitary mark must create a single and distinct commercial impression.

Dena Corp. v. Belvedere Int'l, Inc., 950 F.2d 1555, 1561 (Fed. Cir. 1991); *accord In re Lego Juris A/S*, No. 88698784, 2022 WL 1744613, *3 (TTAB 2022) (if the elements of a mark are so merged together that they cannot be viewed as separable elements, the mark is considered unitary).

As the Board has repeatedly emphasized, deleting a space between two words does not render it unitary. "It is almost too well established to cite cases for the proposition that an otherwise merely descriptive term is not made any less so by merely omitting spaces between the words…." *Minnesota Mining & Mfg. Co. v. Addressograph-Multigraph Corp.*, 1967 WL 7276, *2 (TTAB 1967). The Board explains why this is: "when a compound term comprises two ordinary English words, consumers often recognize them as such, rather than considering the combination to be a fanciful term with no meaning at all" and "whether such a mark appears as one word or two often has little or no effect on consumers' impression of it." *Anheuser-Busch, LLC v.*

[19] Applicant's main brief, 4 TTABVUE 8.

[20] Applicant's main brief, 4 TTABVUE 13.

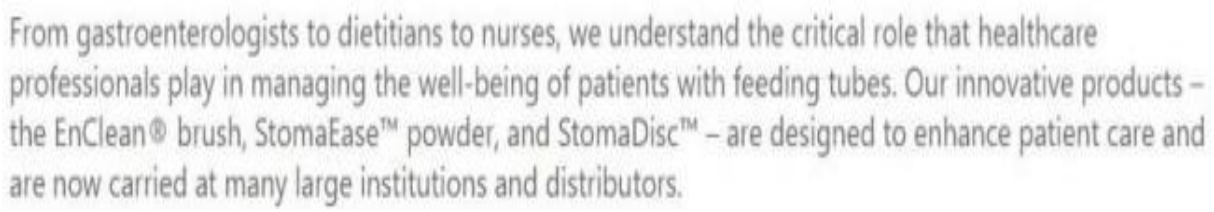
Innvopak Sys. Pty Ltd, No. 91194148, 2015 WL 5316485, *10 (TTAB 2015). *See, e.g.*, *In re Carlson*, 2009 WL 1719596, *2 (TTAB 2009) ("the compression of the words URBAN HOUSING into a single term, URBANHOUZING, still conveys the commercial impression of two words. In other words, consumers would recognize the mark as consisting of the separate elements URBAN and HOUZING"); *In re A La Vieille Russie Inc.,* 2001 WL 862510, *1 n. 2 (TTAB 2001) ("the compound term RUSSIANART is as merely descriptive as its constituent words, 'Russian Art'").

In fact, even though Applicant has applied to register STOMADISC in standard characters, which can be displayed in varying sizes and fonts, *see In re Calphalon Corp.*, No. 86356713, 2017 WL 1476288, *4 (TTAB 2017), it has chosen to display the proposed mark as "StomaDisc." It does so in its specimen:

[21]

[21] March 11, 2024 specimen at 1.

On its LinkedIn page:



[22]

And on its website:

[23]

"[T]he United States Patent and Trademark Office ('USPTO') commonly looks to an applicant's website when it is made of record for possible evidence of descriptive use of a proposed mark." *In re Berkeley Lights, Inc.*, 2022 WL 15733123, *5 (TTAB 2022). Where there is record evidence of the applicant's use of the proposed mark, the Board "must consider [the] mark in its commercial context to determine the public's perception." *N.C. Lottery*, 866 F.3d at 1365, *quoted in In re Nextgen Mgmt.*, No. 88098031, 2023 WL 111145, *7 (TTAB 2023). Indeed, "an applicant's own website and marketing materials may be . . . the most damaging evidence in indicating how the relevant purchasing public perceives a term." *Zuma Array*, 2022 WL 3282655, at *8

[22] Applicant's LinkedIn page, Dec. 20, 2024 Response to Office Action at 16.

[23] Applicant's website, LumaCleanCares.com, Dec. 20, 2024 Response to Office Action at 21. *See In re Union Carbide Corp.*, 1971 WL 16536, *3 (TTAB 1971) ("The fact that applicant has used the term 'MINIGENERATOR' in a trademark manner and employed the designation 'TM' in association therewith does not, per se, establish that it does perform or is capable of performing the function of a trademark.").

(internal punctuation and citation omitted).

Here, Applicant's use of its proposed mark in its commercial context reveals the same likely perception as the relevant public: to perceive "Stoma" and "Disc" as separate words. The proposed mark is not unitary.

Applicant next contends that its proposed mark is a double entendre. Applicant elaborates that

> [STOMADISC] requires interpretation and invites multiple plausible associations. Such as:
>
> - **Interpretation 1 (Medical Context):** A disc-shaped medical device potentially used in connection with stomas, suggestive but requiring some knowledge and inference.
>
> - **Interpretation 2 (Invented Brand Name):** A novel or coined term evoking modernity, technology, or a niche brand identity, disconnected from specific product features.[24]

"Therefore," Applicant concludes, "the Mark 'STOMADISC' functions as a double entendre, with one meaning possibly suggestive of a product related to stoma care and another as a coined brand name."[25]

"For trademark purposes, a 'double entendre' is an expression that has a double connotation or significance as applied to the goods or services." TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1213.05(c) (Nov. 2025). The multiple interpretations that make an expression a 'double entendre' must be associations that the public would make fairly readily, and must be readily apparent from the proposed

[24] Applicant's main brief, 4 TTABVUE 16-17. *See also* Applicant's reply brief, 12 TTABVUE 7-8.

[25] Applicant's main brief, 4 TTABVUE 17.

mark itself. *In re S. Malhotra & Co. AG*, No. 79194076, 2018 WL 4660940, *5 (TTAB 2018). For example, in *In re Colonial Stores, Inc.*, 394 F.2d 549 (CCPA 1968), the mark SUGAR & SPICE was not merely descriptive of bakery products, notwithstanding the descriptive nature of the terms "SUGAR" and "SPICE," because the mark immediately evoked the nursery rhyme "sugar and spice and everything nice." *Id.* at 552-53.

Here, in contrast, we find that the first meaning of STOMADISC—that it refers to a disc used to dress stoma wounds—is the only readily apparent meaning conveyed by the proposed mark. It comprises two ordinary English words, which the relevant purchasing public would recognize as such, despite the omission of a space between them. *Anheuser-Busch v. Innvopak*, 2015 WL 5316485, at *10. And that single meaning is merely descriptive of a feature of Applicant's goods. The proposed mark is therefore not a double entendre.

Applicant next contends that its proposed mark is not merely descriptive because it is incongruous. It expounds further:

> The Trademark Trial and Appeal Board (TTAB) has consistently held that incongruity in a mark — that is, the use of terms in an unexpected or illogical combination — tends to create a commercial impression that is suggestive rather than merely descriptive. In *In re Shutts*, 217 USPQ 363, 365 (TTAB 1983), the Board stated: "Incongruity is one of the accepted guideposts in the evolved set of legal principles for discriminating the suggestive from the descriptive mark."
> …
>
> The Mark "STOMADISC" is incongruous because it combines two disparate terms, one clinical and one geometric, into a single coined unit that does not clearly, directly, or immediately describe the goods.[26]

[26] Applicant's main brief, 4 TTABVUE 18-19.

We have explained that "[f]or purposes of Section 2(e)(1), incongruity exists, for example, where a term evokes an immediate association with something unrelated to the goods or services." *Calphalon Corp*., 2017 WL 1476288, *9. For instance, in *In re Shutts*, 1983 WL 51780, *2 (TTAB 1983), on which Applicant relies, the Board found "SNO-RAKE" for a snow removal hand tool not merely descriptive because even though it evoked raking snow, "the idea of a 'rake' or 'raking' does indeed sit strange in terms of application to snow and, at best, is suggestive of a capacity for gathering up snow with an implement or using an action that hardly fits any of the common conceptions of 'rake' or 'raking.'" This is consistent with the dictionary definitions of "incongruous" as "strange because of not agreeing with what is usual or expected,"[27] or "out of keeping or place; inappropriate; unbecoming."[28]

But here, unlike in *Shutts*, the third-party evidence shows that a disc is commonly marketed as a means of securing effluents from a stoma. The term is not unusual or out of place, but appropriate for describing the medical equipment used to manage a stoma. In its medical setting, Applicant's proposed mark is not incongruous.

Finally, in its main brief on appeal, Applicant submits a table of fourteen registered STOMA-formative marks, ostensibly to demonstrate that "[t]he application of merely descriptive or generic to the Applicant's Mark is inconsistent

[27] Britannica.com/dictionary/incongruous 12/2/2025.

[28] Dictionary.com 12/2/2025.

with existing USPTO practice, given that there are many registered marks with similar constructions as the Applicant's."[29]

However, only five of the registered marks listed in Applicant's table were adduced in evidence during prosecution.[30] Trademark Rule 2.142(d) provides that the record should be complete before an appeal is filed. 37 C.F.R. § 2.142(d). We therefore do not consider Applicant's listing of registrations that should have been submitted during prosecution. TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1207.01 (2021), *cited in In re Taverna Izakaya LLC*, No. 88612441, 2021 WL 5411210, *1 (TTAB 2021). Of the five, one, STOMABOOST, identifies "fertilizer," a good that is too dissimilar to be relevant to our analysis.[31]

The remaining four registered marks are for medical stoma-related goods, but as the Examining Attorney points out,[32] they couple "STOMA" with a suggestive term—STOMADOME, STOMATUCK, STOMA CLOAK, and STOMAGENIE[33]—rendering the marks, taken as a whole, inherently distinctive, not merely descriptive, as they do not immediately convey information concerning a feature, quality, or characteristic of the goods.

In any event, "[w]hile we recognize that 'consistency is highly desirable,' ... consistency in examination is not itself a substantive rule of trademark law, and a

[29] Applicant's main brief, 4 TTABVUE 23-26.

[30] Dec. 20, 2024 Response to Office Action at 23-43 (TESS printouts).

[31] Reg. No. 4979792.

[32] Examining Attorney's brief, 8 TTABVUE 13.

[33] Reg. Nos. 4958734, 5997702, 7192942, and 5643909, respectively.

desire for consistency with the decisions of prior examining attorneys must yield to proper determinations under the Trademark Act and rules. ... The Board must assess each mark on its own facts and record." *In re Am. Furniture Warehouse CO*, No. 86407531, 2018 WL 1942214, *7 (TTAB 2018) (citing *In re Omega SA*, 494 F.3d 1362, 1365 (Fed. Cir. 2007)). The facts and record here indicate that Applicant's proposed STOMADISC mark merely describes its goods.

III. Conclusion

The Examining Attorney has made out a prima facie case that "STOMADISC" immediately conveys information regarding a feature of Applicant's goods—i.e., that they consist of discs used to manage waste emanating from stoma. Applicant's evidence and arguments do not rebut this prima facie case. So based on careful review of the arguments and evidence of record under the applicable law, and giving Applicant the benefit of the doubt, we find that the proposed mark is merely descriptive within the meaning of 15 U.S.C. § 1052(e)(1).

Decision: The refusal to register Applicant's proposed STOMADISC mark is affirmed.