

This Opinion is Not a  
Precedent of the TTAB

Mailed: February 13, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re AKS Industries, Inc.*  
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Serial No. 98516980  
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Batur Oktay of Davis Wright Tremaine LLP,  
for AKS Industries, Inc.

Samuel Song, Trademark Examining Attorney, Law Office 125,  
Robin Mittler, Managing Attorney.

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Before Goodman, Larkin and Bradley,  
Administrative Trademark Judges.

Opinion by Goodman, Administrative Trademark Judge:

AKS Industries, Inc. (“Applicant”) seeks registration on the Principal Register of  
the mark ALASKA TRACS (in standard characters) for

Camouflage nets; Camouflage nets for radar use;  
Camouflage nets for visual use in International Class 22.<sup>1</sup>

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<sup>1</sup> Application Serial No. 98516980 was filed on April 24, 2024, based upon Applicant’s assertion 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).

Page references to the application record are to the online database of the USPTO’s Trademark Status & Document Retrieval (TSDR) system. References to the briefs on appeal

The Trademark Examining Attorney has refused registration of Applicant's mark ALASKA TRACS on the basis that the ALASKA portion of Applicant's mark is primarily geographically descriptive of the origin of Applicant's goods under Trademark Act Section 2(e)(2), 15 U.S.C. § 1052(e)(2), and requires a disclaimer under Trademark Act Section 6(a), 15 U.S.C. § 1056(a).

When the refusal was made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the request for reconsideration, the appeal was resumed. We reverse the refusal to register.

#### I. Primarily Geographically Descriptive/Disclaimer

An examining attorney may require an applicant to disclaim an unregistrable component of a mark otherwise registrable. 15 U.S.C. § 1056(a). Primarily geographically descriptive terms within a mark are unregistrable under Trademark Act Section 2(e)(2) and, therefore, are subject to disclaimer if the mark is otherwise registrable. Failure to comply with a disclaimer requirement is ground for refusal of registration. *See In re Omaha Natal Corp.*, 819 F.2d 1117, 1118 (Fed. Cir. 1987); *In re Richardson Ink Co.*, 511 F.2d 559, 561 (CCPA 1975); *In re Ginc UK Ltd.*, No. 78618843, 2007 TTAB LEXIS 83, at \*3-4.

In order for a mark or a component of a mark to be considered primarily geographically descriptive under Section 2(e)(2), it must be shown that "(1) the mark sought to be registered is the name of a place known generally to the public, and (2)

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refer to the Board's TTABVUE docket system. Applicant's brief and reply brief are at 6 and 10 TTABVUE; the Examining Attorney's brief is at 9 TTABVUE.

the public would make a goods/place association, i.e., believe that the goods for which the mark is sought to be registered originate in that place.” *In re Newbridge Cutlery Co.*, 776 F.3d 854, 860 (Fed. Cir. 2015) (citations omitted). The Office also must show “(3) the source of the goods is the geographic region named in the mark.” *Id.* at 861 (citations omitted).

A. Is the Location Generally Known?

“Regarding the first prong of the test, that the population of the location is sizable and/or that members of the consuming public have ties to the location ... is evidence that a location is generally known.” *Id.*

The Examining Attorney provided a dictionary definition of ALASKA which identifies it as a “geographical name” and “state (territory 1912-59) of the U.S. in northwestern North America bounded by the Arctic and Pacific oceans bordering on Canada, ... making it by far the largest state.” MERRIAM-WEBSTER DICTIONARY (merriam-webster.com). December 2, 2024 Office Action at TSDR 2.

The evidence reflects that ALASKA is a well-known geographic location. The dictionary definition establishes that the primary significance of the term ALASKA is geographic. Being specifically defined as a state in the United States, it is neither remote nor obscure in the context of consumer awareness. Applicant does not dispute this.

Under the first prong of the test, we find the evidence clearly establishes that ALASKA is the name of a place known generally to the public.<sup>2</sup>

B. Whether there is a goods/place association?

As to the goods/place association second prong, the Federal Circuit has “explained that the PTO only needs to show ‘a reasonable predicate for its conclusion that the public would be likely to make the particular goods/place association on which it relies.’” *In re Newbridge Cutlery, Co.*, 776 F.3d at 861 (citation omitted). “It need not show an ‘actual’ association in consumers’ mind.” *Id.* Nor does it require “such

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<sup>2</sup> In support of its argument that no disclaimer should be required, Applicant provided copies of its prior registrations of ALASKA-formative marks for goods other than camouflage nets (with most issuing under Section 2(f)), and copies of third-party registrations for ALASKA and ALASKA-formative marks, some for hunting goods or services, and most issued under Section 2(f) or on the Supplemental Register. April 16, 2025 Request for Reconsideration at TSDR 10-78, 88-119; December 16, 2024 Response to Office Action at TSDR 10-80, 84-112. Those registrations that claim acquired distinctiveness or issued on the Supplemental Register are probative evidence of geographic descriptiveness, not a lack thereof, because they reflect implicit concessions of the geographic descriptiveness of the term ALASKA. *See Cold War Museum, Inc. v. Cold War Air Museum, Inc.*, 586 F.3d 1352, 1358 (Fed. Cir. 2009) (“Where an applicant seeks registration on the basis of Section 2(f), the mark’s descriptiveness is a nonissue; an applicant’s reliance on Section 2(f) during prosecution presumes that the mark is descriptive.”); *Quaker State Oil Ref. Corp. v. Quaker Oil Corp.*, 453 F.2d 1296, 1299 (CCPA 1972) (“We also agree ... that, when appellant sought registration of SUPER BLEND on the Supplemental Register, it admitted that the term was merely descriptive of its goods and that when it disclaimed said term in applications for registrations of compound marks, it again admitted the merely descriptive nature of the mark”). As the Federal Circuit makes clear, each case must be decided on its own facts, and each proposed mark stands on its own merits. *See In re Nett Designs, Inc.*, 236 F.3d 1339, 1342 (Fed. Cir. 2001). A proposed mark or a component of a mark that is primarily geographically descriptive does not become registrable simply because other similar marks appear on the register or because Applicant has prior registrations which are somewhat similar to the involved mark. *In re Scholastic Testing Serv.*, 1977 TTAB LEXIS 97, at \*5 (no proceeding number available). *See also In re Korn Ferry*, No. 90890949, 2024 TTAB LEXIS 224, at \*13 (“The USPTO has issued eight registrations for Applicant’s other marks containing the word ARCHITECT without a disclaimer of that word, but that fact does not entitle Applicant to a registration of the KORN FERRY ARCHITECT mark without a disclaimer.” (citation omitted)).

association [to] embrace[] only instances where the place is well-known or noted for the goods.” *In re Loew’s Theatres, Inc.*, 769 F.2d 764, 767 (Fed. Cir. 1985).

The Examining Attorney provided a webpage from Camonets.com (camonets.com, January 17, 2025 Office Action at TSDR 2), the “U.K.’s no. 1 Supplier of Camouflage Netting,” which explained the benefits of camouflage netting in connection with hunting; a webpage from Wild Trend (thewildtrend.com *Id.* at TSDR 3) discussing the 5 best camouflage nettings for hunting; a webpage from 2man.org (2man.org *Id.* at TSDR 4) discussing types of camouflage netting for hunting; a webpage from Camosystems (camounlimited.com *Id.* at TSDR 5) discussing camo-netting for waterfowl hunting and other activities; and a webpage from the Camo Netting Store, (camonettingstore.com, *Id.* at TSDR 13), located in California, offering camouflage netting for sale online, including nets for hunting and other applications. The Examining Attorney also provided webpages from Red Rock Outdoor Gear, (redrockoutdoorgear.com June 24, 2025 Denial of Reconsideration at TSDR at 2-5), located in Texas, offering for sale of camouflage nets for hunting, and webpages from Hunter’s Wiki (hunterswiki.com *Id.* at TSDR 6) which discuss camouflage nets for hunting.

The Examining Attorney also provided information about hunting in Alaska. A Wikipedia article (Wikipedia.com) indicates that Alaska is a “popular hunting destination” with people coming from all over the world to hunt “big game animals” and that “[h]unting and fishing in Alaska are common for recreation and subsistence.” January 17, 2025 Office Action at TSDR 6. Outfit Alaska

(outfitalaska.com *Id.* at TSDR 7) states that Alaska is a “dream destination” for hunters with Homer, AK and Kodiak, AK listed as “two popular destinations” for hunters. Arctic North Guides (arcticnorthguides.com *Id.* at TSDR 8) offers guided hunting trips to Western Alaska and Alaska Peninsula camps, Campbells High Caliber Guide Service (campbellshighcaliber.com *Id.* at TSDR 9), located on Kodiak Island, offers big game hunting trips, Treasure Hunter Lodge (treasurehunterlodge.com *Id.* at TSDR 11) offers fully guided hunting trips in Klawock, AK, Southeast Alaska, and Unguided Alaska (unguidedalaska.com, *Id.* at TSDR 12) specializes in drop off hunting and fishing trips. The Governor of Alaska (gov.alaska.gov *Id.* at TSDR 10) designated September 28, 2024 as Hunting and Fishing Day, mentioning in the proclamation that Alaska is a location for big game hunting and “more than 600,000 resident and non-resident hunters and anglers in Alaska support the State’s economy contributing to jobs, tourism growth and local communities.”

Applicant sought to rebut this evidence regarding hunting and fishing by providing an article of the 35 Best Hunting and Fishing Towns in the U.S. (Outdoor Life, April 11, 2012), where Alaska is only listed once (Homer, Alaska); the article lists many other cities in many other states in the United States that are known for hunting and fishing.<sup>3</sup> April 16, 2025 Request for Reconsideration at TSDR 79-86.

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<sup>3</sup> The article indicates that the “best hunting and fishing in America” is available in at least 34 locations in 31 states other than Alaska. 35 Best Hunting and Fishing Towns in the U.S. (Outdoor Life, April 11, 2012), April 16, 2025 Request for Reconsideration at TSDR 79, 81.

The Examining Attorney argues “the evidence of record establishes a reasonable predicate that the public would be likely to make and rely upon a goods-place association between camouflage nets and Alaska.” 9 TTABVUE 10. The Examining Attorney asserts that the evidence shows that “ALASKA is famous for hunting and fishing activities for which camouflage nets are often used” and that the internet evidence also shows that “camouflage nets are commonly used by and marketed to hunters and fishers.” 9 TTABVUE 6-7. The Examining Attorney argues that this evidence creates a sufficient nexus to create the goods/place association between camouflage nets, “an essential tool of hunters and fishers, and Alaska, which is famous for its hunting.” 9 TTABVUE 8. The Examining attorney analogizes this circumstance to that of *Fred Hayman Beverly Hills Inc. v. Jacques Bernier, Inc.*, No. 91084521, 1996 TTAB LEXIS 1, at \*13 by suggesting that Alaska is famous for hunting in a similar way that RODEO DRIVE is famous for luxury goods and perfume. 9 TTABVUE 9.

Applicant argues the Examining Attorney’s position “is legally insufficient and factually overbroad” and that the case precedents “require specific evidence of commercial connections between the goods and the geographic location, not general assumptions based on activities that may occur in the location,” which it asserts is too attenuated a connection. 6 TTABVUE 10, 12.

Applicant submits that the Examining Attorney’s position “rests entirely on the theory that Alaska is known for hunting and fishing, and camouflage nets are sometimes used in these activities” which “logic would require geographic disclaimers

for countless products used in hunting and fishing activities ... simply because hunting and fishing occur in Alaska.” 6 TTABVUE 10; 10 TTABVUE 9. Applicant points out that “Alaska is not known as a center for camouflage net manufacturing, retail, or distribution” and “[t]he examining attorney has presented no evidence that Alaska has any particular commercial reputation or specialization related to camouflage nets.” 6 TTABVUE 10; 10 TTABVUE 8. Applicant also argues that *Fred Hayman Beverly Hills* “supports Applicant’s position rather than undermining it, as it demonstrates the necessity of specific commercial connections between the geographic location and the goods at issue”; according to Applicant, in *Fred Hayman Beverly Hills*, “the geographic location had a well-established commercial reputation specifically related to the goods in question.” 6 TTABVUE 10. Applicant argues that “Alaska’s status as one of many hunting destinations does not create the specific goods-place association required for geographic descriptiveness.” 6 TTABVUE 11.

As to the Examining Attorney’s evidence, Applicant argues:

The examining attorney has presented no evidence that Alaska is particularly known for camouflage nets, that camouflage nets are especially associated with Alaska compared to other hunting and fishing destinations, or that consumers would think of Alaska as a source for camouflage nets. The evidence shows only that hunting and fishing occurs in Alaska (as it does in many locations) and that camouflage nets may be used in these activities (as they are used in many activities and locations).

6 TTABVUE 12.

We consider whether the evidence supports a goods/place association. The record does not reflect whether Alaska has any manufacturing industries relating to hunting. There is no evidence that ALASKA is known for hunting products, including

camouflage netting (or components of camouflage netting), and there is no evidence there has been any promotion and/or marketing relating to ALASKA in connection with camouflage netting or other hunting products, such that the public would associate ALASKA with these particular goods. Therefore, although the record does reflect that hunting is a popular activity in Alaska and that hunters use camouflage netting, nothing in the record indicates that camouflage nets are manufactured or produced in Alaska. On this record, we have doubt that purchasers would believe that the goods come from Alaska.<sup>4</sup>

Because a goods/place association has not been established, we need not consider the third prong of the test. *In re Newbridge Cutlery Co.*, 776 F.3d at 864; *In re Broken Arrow Beef & Provision, LLC*, No. 87334198, 2019 TTAB LEXIS 32, at \*14.

## II. Conclusion

Although ALASKA is a geographic place that is well known, the evidence is insufficient to establish a goods/place association.

As a result, ALASKA has not been shown to be primarily geographically descriptive of camouflage nets and subject to the disclaimer requirement.

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<sup>4</sup> The Examining Attorney also argues that if the Board finds that the goods do in fact originate from ALASKA under the third prong of the test, then a goods-place association can be presumed under the second prong of the test. 9 TTABVUE 12. However, Applicant provided declarations clearly stating it is not headquartered in Alaska, the goods are not manufactured, packaged, or shipped from Alaska, and no components of the goods originate from Alaska, so no presumption applies here. First Moss declaration, December 16, 2024 Response to Office Action at TSDR 8; Second Moss declaration, April 16, 2025 Request for Reconsideration at TSDR 8. December 16, 2024 Response to Office Action at TSDR 3; April 16, 2025 Request for Reconsideration at TSDR 5.

**Decision:**

The refusal to register Applicant's mark ALASKA TRACS based on the requirement for a disclaimer of ALASKA under Section 6(a) of the Trademark Act is reversed.