

9/19/02

**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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In re Citizen Tokei Kabushiki Kaisha also trading as  
Citizen Watch Co. Ltd.  
\_\_\_\_\_

Serial No. 76/029,166  
\_\_\_\_\_

Mark B. Harrison of Venable for Citizen Tokei Kabushiki  
Kaisha also trading as Citizen Watch Co. Ltd.

Khanh Le, Trademark Examining Attorney, Law Office 104  
(Sidney Moskowitz, Managing Attorney).  
\_\_\_\_\_

Before Simms, Hanak and Hairston, Administrative Trademark  
Judges.

Opinion by Hanak, Administrative Trademark Judge:

Citizen Tokei Kabushiki Kaisha also trading as Citizen  
Watch Co. Ltd. (applicant) seeks to register CITIZEN  
ASSEMBLING CENTER in the form shown below for  
"manufacturing machines, especially for the electrical and  
electronic industries; namely automotive assembling  
machines, electrical and electronic parts, automatic  
inserting and connecting machines, parts and components  
orienting and feeding machines, industrial robots and parts  
for the aforesaid goods." The intent-to-use application  
was filed on April 19, 2000.

Citing Section 2(e)(1) of the Trademark Act, the Examining Attorney has refused registration on the basis that applicant has refused to disclaim the words ASSEMBLING CENTER in its mark which the Examining Attorney contends are merely descriptive of applicant's goods. At page 2 of her brief, the Examining Attorney stated that the sole "issue on appeal is whether the words 'assembling center' are descriptive of the applicant's manufacturing machines, thus requiring a disclaimer." When the refusal to register was made final, applicant appealed to this Board. Applicant and the Examining Attorney filed briefs. Applicant did not request an oral hearing.

As has been stated repeatedly, "a term is merely descriptive if it forthwith conveys an immediate idea of the ingredients, qualities or characteristics of the goods." In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978) (emphasis added). Moreover, the immediate idea must be conveyed forthwith with a "degree of

particularity." In re TMS Corp. of the Americas, 200 USPQ 57, 59 (TTAB 1978); In re Entenmann's Inc., 15 USPQ 57, 751 (TTAB 1990), aff'd 90-1495 (Fed. Cir. February 13, 1991).

In the first Office Action, the Examining Attorney argued that "the wording [assembling center] is merely descriptive because [applicant's] machines are for assembling and center is a type of machine." In support of her refusal to register, the Examining Attorney made of record three newspaper stories where the term "machining center(s)" appeared. The Examining Attorney never explained how these uses of the term "machining center(s)" proved that the ASSEMBLING CENTER portion of applicant's mark was merely descriptive of its goods.

In the second and final Office Action, the Examining Attorney made of record three newspaper stories, one wire story and a dictionary definition for the word "center." The first newspaper story is from The Patriot Ledger of January 24, 1998 and it reads as follows: "Andover [Massachusetts] will become one of two centers assembling circuit cards, the company said." The Examining Attorney has not explained and we fail to understand as to how this newspaper story supports the Examining Attorney's contention that the ASSEMBLING CENTER portion of applicant's mark is merely descriptive of its goods. The

second newspaper story is from The Richmond Times Dispatch of August 29, 1996 and it reads as follows: "American Woodwork is the fourth-largest maker of cabinets in the country, with seven manufacturing and assembling centers." The United Press International wire service story of September 3, 1994 reads as follows: "By pumping money into the auto industry, the [Chinese] government expects to construct at least six car assembling centers by the end of next year." The third newspaper story is from the Los Angeles Times of September 29, 1985 and it reads as follows: "They [foreign companies] are building plants, distribution and assembling centers for products to be marketed in the United States." Finally, the definition of the word "center" submitted by the Examining Attorney from The American Heritage Dictionary of the English Language (3d 1992) defines this word as follows: "A place where a particular activity or service is concentrated: a medical center."

It is the position of the applicant that the Examining Attorney's evidence actually favors its position in that it demonstrates that the term "assembling center" refers not to applicant's goods (manufacturing machines) but rather to a physical location where products are produced. In other words, it can be said that the term "assembling center" is

essentially synonymous with the term "manufacturing center" or "industrial plant."

We agree with applicant that as applied to manufacturing machines, the term ASSEMBLING CENTER in its entirety simply does not immediately convey any idea of the qualities or characteristics of applicant's manufacturing machines with the aforementioned required "degree of particularity." Accordingly, the ASSEMBLING CENTER portion of applicant's mark is not merely descriptive of its goods, and hence it need not be disclaimed. However, applicant's machines are "assembling machines." Thus, the ASSEMBLING portion of applicant's mark clearly describes its machines, and thus must be disclaimed.

Decision: The refusal to register is affirmed. However, if applicant within twenty (20) days submits a disclaimer of ASSEMBLING, this opinion will be set aside and applicant's mark will be passed to publication.