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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Trademark Trial and Appeal Board**

In re U-Haul International, Inc.

Serial No. 76368480

Heather S. Bacal of Quarles & Brady Streich Lang LLP for U-Haul International, Inc.

Steven Fine, Trademark Examining Attorney, Law Office 110 (Chris A. F. Pedersen, Managing Attorney).

Before Quinn, Hairston and Bottorff, Administrative Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

An application has been filed by U-Haul International, Inc. to register the mark shown below,

SuperGraphics

for "truck and trailer rental services."[1]

The Trademark Examining Attorney has refused

[1] Serial No. 76368480, filed February 7, 2002, alleging a bona fide intention to use the mark in commerce.

registration under Section 2(e)(1) of the Trademark Act on the ground that, when used in connection with applicant's services, SUPERGRAPHICS would be merely descriptive of them. When the refusal was made final, applicant appealed. Briefs have been filed, but no oral hearing was requested.

The Examining Attorney contends that the applied-for mark is descriptive of applicant's truck and trailer rental services because applicant's trucks and trailers bear graphical images that represent states and provinces; that these images are intriguing and educational in nature; and thus a significant feature of applicant's rental services is that such services involve trucks and trailers bearing "supergraphics." In support of the refusal, the Examining Attorney made of record information from applicant's "home page" which discusses applicant's use of graphical images on its trucks and trailers.

Applicant, in urging reversal of the refusal to register, contends that the mark SUPERGRAPHICS does not immediately describe any quality or feature of applicant's truck and trailer rental services. Applicant argues that the only relationship between the term SUPERGRAPHICS and applicant's services is that applicant chooses to apply graphical images to the trucks and trailers it offers for rental.

A mark is descriptive if it "forthwith conveys an immediate idea of the ingredients, qualities or characteristics of the goods [or services]." Abercrombie & Fitch Company v. Hunting World, Incorporated, 537 F2d. 4, 189 USPQ 759, 765 (2nd Cir. 1976) (emphasis added). See also, In re Abcor Development Corporation, 616 F.2d 525, 200 USPQ 215 (CCPA 1978). Moreover, in order to be merely descriptive, the mark must immediately convey information as to the ingredients, qualities or characteristics of the goods or services with a "degree of particularity." See In re TMS Corporation of the Americas, 200 USPQ 57, 59 (TTAB 1978); and In re Entenmann's Inc., 15 USPQ2d 1750, 1751 (TTAB 1990), aff'd, unpub'd, (Fed. Cir. February 13, 1991).

The Examining Attorney bears the burden of showing that a mark is merely descriptive of the identified goods or services. See In re Merrill, Lynch, Pierce, Fenner, and Smith Inc., 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987).

In this case, we are unable to find that when used in connection with applicant's truck and trailer rental services, SUPERGRAPHICS is merely descriptive thereof. There is nothing in the record to indicate that graphical images, much less, SUPERGRAPHICS would be perceived as a significant feature of truck and trailer rental services.

We recognize that purchasers of applicant's services may find the graphical images on applicant's trucks and trailers to be intriguing and perhaps educational. Also, it is quite possible that persons may even characterize the graphical images as "super." Nonetheless, the term SUPERGRAPHICS does not immediately convey knowledge of any quality or characteristic of applicant's services.

The intent of Section 2(e)(1) is to protect the competitive needs of others. We believe that competitors in the truck and trailer rental field are not unduly deprived by registration of SUPERGRAPHICS. There is no evidence that anyone in the field uses "supergraphics" to describe similar services. And, we might add, there is no indication that anyone in the field would need to use this term. In sum, contrary to the Examining Attorney's position, it is not enough that applicant's rental trucks and trailers bear intriguing/educational graphical images for a finding of mere descriptiveness.

**Decision**: The refusal to register under Section 2(e)(1) is reversed.