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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re McCahill Group, LLC.

Serial No. 77032709

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LLP for McCahill Group, LLC.

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103 (Michael Hamilton, Managing Attorney).

Before Walters, Holtzman and Zervas, Administrative
Trademark Judges.

Opinion by Zervas, Administrative Trademark Judge:

On October 30, 2006, McCahill Group, LLC filed an
application to register on the Principal Register the term
TROOP TRANSITION INTERNATIONAL (in standard character form)
as a trademark for the following services: "civilian
career recruiting and placement programs for military
personnel" in International Class 35; and "training
services for former military personnel in the field of
career training, certification and licensing, in all

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fields" in International Class 41.¹ Applicant has disclaimed the term INTERNATIONAL.

The examining attorney finally refused registration under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the ground that, when used in connection with applicant's services, the mark TROOP TRANSITION INTERNATIONAL would be merely descriptive of such services.

When the refusal was made final, applicant filed an appeal and requested reconsideration. The examining attorney denied the request for reconsideration and the appeal was resumed. Both applicant and the examining attorney have filed briefs. We affirm the refusal to register.

A term is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); and *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978). A term need not immediately convey an idea of each and every specific

¹ Application Serial No. 77032709, based on applicant's assertion of its bona fide intention to use the mark in commerce under Trademark Act § 1(b), 15 U.S.C. § 1051(b).

feature of the applicant's goods or services in order to be considered merely descriptive; it is enough that the term describes one significant attribute, function or property of the goods or services. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); and *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

The record includes the following definitions of "troop" and "troops" in the online version of *The American Heritage Dictionary of the English Language* (4th ed. 2001) located at bartleby.com; "2a. A group of soldiers" b. **troops** Military units; soldiers."

Additionally, "transition" is defined in the same dictionary (of record) as "passage from one form, state, style, or place to another." In the context of assistance to military personnel separating from the military, the record reflects the following uses of "transition" consistent with the dictionary definition:

"Transition Assistance Program for Veterans (TAP) website provides career information for active duty service members, National Guard, Reserves, and spouses of service members separating or retiring from the military."
www.hirevetsfirst.gov;

"Benefits of the Coming Home to Work Initiative ... Provides seamless career transition assistance to OIF and OEF service members at Military Treatment Facilities and veterans after military separation." www.vetsuccess.gov;

"In South Florida, the Veterans' Employment Services of South Florida Workforce works in coordination with the U.S. Southern Command in Doral and the U.S. Naval Air Station in Key West to provide tools and strategies to veterans who are separating from the military and transitioning into the civilian workforce." (*The Miami Herald*, February 24, 2008); and

"Look the person dead in the eye and tell them, 'We're going to watch out for your spouse and put you back in your job, or one that's a better fit, when you come home,' said Andrew Hollitt, team leader for military recruiting at the Lucas Group, a Dallas-based recruiting company that specializes in military transition placement." (*The Houston Chronicle*, October 29, 2007).

Further, the record contains evidence demonstrating use of (i) the phrase "troops transition," or (ii) "troops" in conjunction with "transition," both in the context of the separation of military personnel from the military:

"[T]he United States has a moral obligation to help wounded troops transition to the next phase of their lives." (*Financial Times Information*, October 10, 2007);

"A larger amount [of money] would be needed as part of a 'National Security Adjustment Act' to help those troops transition into civilian life." (*Foreign Policy in Focus*, July 5, 2007);

"Anne Robinson, a member of the Paralyzed Veterans of America, said her group and leaders of the South Texas Veterans Health Care System ... tried to think of ways to help wounded troops transition into the community." (*San Antonio Express Metro Edition*, October 13, 2007);

"Some law enforcement agencies have begun to look harder at how they help returning troops make the transition back to police work." (*The Dallas Morning News*, January 6, 2008);

"Senator Klobuchar has remained steadfast in her support of Minnesota's National Guard. She has called for shorter tours of duty in Iraq and more equitable benefits for deployed guard members, requesting additional federal support for Minnesota's innovative Beyond the Yellow Ribbon program that helps returning Guard troops with the transition back to their families and local communities." (*US Fed News*, June 21, 2007); and

"Adams said that while he feels lucky for all that he has received, he acknowledged that it has been very difficult for many other wounded troops to transition back into civilian life." (*The Houston Chronicle*, May 23, 2007).

These uses of "troops" in conjunction with "transition," as well as the definitions of record, establish that the purchasing public of applicant's services would immediately recognize, without imagination or thought, that "troop transition" in the context of applicant's training services and career recruiting and placements programs, all for military personnel, refers to the assistance applicant provides to members of the military as they pass from the military to the civilian workforce.²

The term INTERNATIONAL is also in applicant's mark. INTERNATIONAL, which applicant has disclaimed, thereby acknowledging its descriptive nature, merely indicates that

² While most of the evidence shows use of the term TROOPS, the difference between this plural term and applicant's use of the singular term, TROOP, is immaterial.

applicant's services are international in scope. The Board has found marks containing the term INTERNATIONAL merely descriptive. See *In re Billfish International Corp.*, 229 USPQ 152 (TTAB 1986) (BILLFISH INTERNATIONAL CORPORATION merely descriptive of corporation involved with billfish on an international scale); and *BankAmerica Corp. v. International Travelers Cheque Co.*, 205 USPQ 1233 (TTAB 1979) (INTERNATIONAL TRAVELERS CHEQUE merely descriptive of financial consulting services that are international in scope). See also TMEP § 1209.03(o).

Thus, when applicant's mark is considered as a whole, we find that purchasers of applicant's services would immediately recognize, without imagination or thought, that applicant offers assistance to members of the military as they pass from the military to the civilian workforce, and that applicant's assistance is international in scope. The combination of the three words in applicant's mark does not create a unique or incongruous meaning. See *In re Tower Tech, Inc.*, 64 USPQ2d 1314 (TTAB 2002). Applicant, in support of registration of its mark, has argued as follows:

TROOP TRANSITION as a whole does not offer any real information about or describe the nature of Applicant's services. TROOP TRANSITION may suggest that military troops are making a change, but again, this does not describe Applicant's training services. The "TROOPS" are not taught or being taught to "TRANSITION." In fact, the

"TROOPS" are not doing anything. Applicant's services are personal in nature and are offered to individuals interested in learning new skills. They are not offered to a group - to "the troops."

Brief at p. 3. We are not persuaded by applicant's argument. The evidence of record reflects that TROOP TRANSITION is sufficiently informative of the nature of applicant's services for a purchaser to understand the nature of applicant's services. Also, the terms need not be so specific as to communicate that applicant's services are offered to individuals rather than to a group of individuals who form a TROOP. Moreover, applicant, in its identification of services, identifies a group to whom it offers its services, i.e., "military personnel," and this group identifies targeted consumers of its services. The term TROOP TRANSITION must be considered in the context of applicant's International Class 41 training services. As such, applicant's services are clearly offered to individuals who are transitioning from the military to a civilian career.

Applicant also argues that TROOP indicates a group or band, which may or may not be composed of military personnel"; and that "[i]f Applicant were to use the term, 'former military personnel,' even that would not necessarily be descriptive of Applicant's services because

'TROOP' indicates a group and the additional word 'TRANSITION' indicates changes, not necessarily a career change." *Id.* However, we consider the question of descriptiveness not in the abstract but in relation to the services, the context in which the mark is used and its overall impact on consumers. *In re Abcor Dev. Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1878). In the context of applicant's identified services containing the limitation "military personnel," TROOP unambiguously refers to military personnel.

After careful consideration, we find that the examining attorney has established prima facie that applicant's mark, TROOP TRANSITION INTERNATIONAL, is merely descriptive of the nature of applicant's services, which has not been rebutted by applicant. Registration is accordingly barred under Trademark Act § 2(e)(1).

Decision: The refusal to register is affirmed.