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July 21, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re The Hoover Company

Serial No. 78177402

Thomas R. Kingsbury for The Hoover Company.

Barbara A. Gaynor, Trademark Examining Attorney, Law Office  
115 (Tomas V. Vlcek, Managing Attorney).

Before Seeherman, Walters and Holtzman, Administrative  
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

The Hoover Company has appealed from the final refusal of the Trademark Examining Attorney to register TWIN CHAMBER as a trademark for "floor care appliances, namely, vacuum cleaners."<sup>1</sup> Registration has been refused pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C.

<sup>1</sup> Application Serial No. 78177402, filed October 23, 2002, and asserting first use and first use in commerce in April 2000.

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1052(e)(1), on the ground that the mark is merely descriptive of the goods.

The appeal has been fully briefed. Applicant did not request an oral hearing.

A mark is merely descriptive, and therefore prohibited from registration by Section 2(e)(1) of the Trademark Act, if it immediately conveys knowledge of the ingredients, qualities, or characteristics of the goods with which it is used. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

The Examining Attorney asserts that applicant's mark is merely descriptive because TWIN CHAMBER immediately conveys knowledge of a characteristic of applicant's vacuum cleaners. In support of this position, the Examining Attorney has submitted dictionary definitions of "twin," meaning "consisting of two identical or similar parts: a *twin lamp fixture*" and "chamber" as meaning "an enclosed space or compartment: *the chamber of a pump; a compression chamber.*"<sup>2</sup> She has also submitted excerpts from applicant's website, [www.hoovercompany.com](http://www.hoovercompany.com), which includes the following description of applicant's vacuum cleaner:

The Twin Chamber System, designed with two stages of filtration, provides

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<sup>2</sup> The American Heritage Dictionary of the English Language, 3d ed. © 1992.

longer cleaning performance by helping prevent build-up and clogging of the cleaner's HEPA filter. Heavy dirt entering the vacuum is drawn into an empty chamber and kept there by a permanent pre-filter between the two chambers.

The pre-filter allows only fine particles to pass into the second chamber, where they are stopped by a HEPA filter. The HEPA filter has a coated surface that helps shed dirt, helping to prevent build-up that can clog and restrict airflow. Outside the Twin Chamber System is a final filter.

Applicant argues that its goods do not fit within the definitions of TWIN and CHAMBER submitted by the Examining Attorney. Specifically, applicant asserts that a "chamber" is an enclosed space, and applicant's product is not enclosed. Applicant explains, at page 3 of its brief, that its vacuum cleaners

include a dirt cup having a first side formed with an opening in a rear wall of the cup for receiving a stream of dirt-laden air, and a second side which includes a cylindrical filter element and which is formed with an opening at the bottom thereof. A removable porous screen separates the first and second sides of the dirt cup. A dirt laden air-stream enters the opening in the first side where the large particles are separated therefrom. The air-stream flows through the screen into the second side where the pleated cylindrical filter element filters the fine particles from the air-stream before the air-stream flows out the bottom opening.

Because the two sides are separated by a porous screen, applicant essentially argues that the two sides cannot be considered separate enclosures, or chambers.

We are not persuaded by this argument. It is clear from applicant's own website materials that the normal way to describe each side or enclosure is as a "chamber," which is the word that applicant itself has used ("a permanent pre-filter between the two chambers"; "the pre-filter allows only fine particles to pass into the second chamber").

Applicant also argues that its enclosures cannot be considered "twin" chambers because they are not, as the dictionary definition states, "identical or similar." Applicant points out that because one chamber contains a HEPA filter, which takes up most of the interior of the chamber, the chambers do not look identical or similar, nor are they identical or similar in function. We think this is a too narrow reading of "twin." The shape and overall appearance of the two sides or chambers of applicant's vacuum cleaner, as shown by the specimens and additional materials submitted by applicant, are basically the same. The fact that the interiors of the chambers have different contents does not eliminate this overall similarity. Thus,

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the word TWIN is an appropriate word to describe the chambers on applicant's vacuum cleaners.

The Examining Attorney has also submitted excerpts of articles taken from the NEXIS database which include the term "twin chamber" or "twin chambers." These excerpts are of limited probative value in that none of the excerpts refer to vacuum cleaners and, in fact, we cannot ascertain from some of the excerpts even what the goods are. However, the excerpts do show that the term "twin chamber" or "twin chambers" is not an unusual descriptive term.

When the words TWIN and CHAMBER and combined into the mark TWIN CHAMBER, and this term is used in connection with vacuum cleaners, people will immediately understand that the vacuum cleaners have a container with two sections that are similar in overall size and appearance. Accordingly, the mark is merely descriptive.

Decision: The refusal of registration is affirmed.