

Response to Refusal under Trademark Act Section 2(e)(1)

Registration of the present application was refused on the ground that the applied-for mark merely describes a feature of applicant's goods. The Applicant respectfully submits however that the present mark NURSE-SLING is not merely descriptive, because it does not immediately convey information concerning the goods of the present application (TMEP §1209.01(b)). Although the word "nurse" can have the meaning of feeding an infant (i.e., nursing) when it is used as a *verb*, when "nurse" is paired with the word "sling" with a hyphen in between these words it will be perceived as a compound *noun*, such as "*mother-in-law*." When "nurse" and "sling" are joined as nouns, the term "NURSE-SLING" immediately conveys that the respective product is a sling used by a nurse, such as the type of sling used to support a broken arm. In order for the first word of the present mark to be perceived as modifying "sling," it would need to be in the form of a present participle (a word ending in "-ing"), which is not the case for the present mark.

Therefore, while the words "nurse" and "sling" separately may suggest characteristics of the goods of the present application, when these words are joined as a compound with a hyphen they do not immediately convey such characteristics. Instead, NURSE-SLING is a term open to multiple interpretations, and therefore is of the nature of a double entendre. In view of this, the applied-for mark is not merely descriptive of the goods of the present application, and the Applicant respectfully requests that the refusal of this application under Trademark Act Section 2(e)(1) be withdrawn.