

THE MARK IS NOT MERELY DESCRIPTIVE

The Examining Attorney has rejected the mark under Section 2(e)(1) based on the contention that the applied-for mark merely describes a feature and function of applicant's goods. Applicant disagrees with the Examining Attorney's conclusion, and, submits that when all the relevant factors are analyzed, the unmistakable conclusion is that the mark is suggestive and *not* merely descriptive. Any doubt as to whether a mark is merely descriptive or suggestive is resolved in favor of the applicant allowing publication of the mark for opposition. *In re Morton-Norwich Prods., Inc.*, 209 USPQ 791 (TTAB 1981).

“Suggestive marks are those that, when applied to the goods or services at issue, require imagination, thought, or perception to reach a conclusion as to the nature of those goods or services. Thus, a suggestive term differs from a descriptive term, which immediately tells something about the goods or services.” *Trademark Manual of Examining Procedure (TMEP)* 1209.01(a) (October 2018).

Here, MINIMAL SCARRING PROCEDURE is a suggestive mark and far from being descriptive. When looking at the mark one would not immediately conclude that the goods, as amended, are bandages for surgical use for skin wounds having mechanical hooks that penetrate the skin on either side of the wound for attachment to the skin. These goods are highly specialized and cutting-edge technology that it would require such strong imagination and deep thought to even come close to reaching this conclusion.

More than a small mental leap is required to understand that MINIMAL SCARRING PROCEDURE is actually not a procedure, but in fact it is a bandage for closing wounds. As such, this further demonstrates that the mark is fact is not merely descriptive.

Accordingly, based on the foregoing, Applicant respectfully requests withdrawal of the present rejection under Section 2(e)(1), and instead passage to publication thereof.