This Opinion is Not a
Precedent of the TTAB

Hearing: Jan. 8, 2026

Mailed: March 19, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Spotlight Oral Care Limited

Serial Nos. 79380381 (parent)
79382237
79383214
79384076
79384077

Angela Kalsi of UB Greensfelder LLP
for Spotlight Oral Care Limited.

Jesse Nelman, Trademark Examining Attorney, Law Office 129,
Pamela Y. Willis, Managing Attorney.

Before Greenbaum, Heasley, and Lebow,
Administrative Trademark Judges.

Opinion by Heasley, Administrative Trademark Judge:

Spotlight Oral Care Limited ("Applicant") seeks registration on the Principal Register of the following proposed word-and-design marks, all for

> Non-medicated mouthwash; teeth whitening preparations; teeth whitening strips; non-medicated mouth rinses and washes; teeth whitening mouthwash; teeth whitening strips impregnated with teeth whitening preparations; dental bleaching gels; tooth cleaning preparations; toothpaste; tooth polish; tooth powders; dental bleaching

gels; cleaning preparations and cosmetic preparations for the mouth and teeth in International Class 3, and

Dental cleaning articles; toothbrushes; baby finger toothbrushes; dental floss picks for personal use; tape and floss for dental purposes; battery and electric powered tooth brushes and flossers; water flossers; oral care kits comprising toothbrushes and floss; toothbrush holders; electric toothbrushes; interdental brushes for cleaning the teeth; toothpicks; water apparatus for cleaning teeth and gums; parts and fittings for toothbrushes and electric brushes, namely, electric toothbrush replacement heads, in International Class 21:

79380381	
79384077	
79384076	
79383214	
79382237	

[1]

[1] Application Serial No. 79380381 was filed on June 30, 2023 as a request for extension of protection of International Registration No. 1754595. According to the Application, "The mark consists of the stylized black wording 'MADE BY DENTISTS' to the left of a design of a green two-horned monster with one white horn and one green horn. The monster's eyes and

All five applications were filed as requests for extension of protection under the Madrid Protocol. *See* Section 66(a) of the Trademark Act, 15 U.S.C. § 1141f(a). Section 66(a) applications are subject to the same examination standards as any other application for registration on the Principal Register. 15 U.S.C. § 1141h(a)(1). *See generally* TRADEMARK MANUAL OF EXAMINING PROCEDURE ("TMEP") § 1904.02(a) (Nov. 2025). If the proposed marks are not registrable on the Principal Register, extension of protection must be refused. 15 U.S.C. § 1141h(a)(4).

The Trademark Examining Attorney has refused registration unless the literal

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teeth are white. The monster is outlined in black." The colors green, white, and black are claimed as features of the mark.

Application Serial No. 79384077 was filed on April 13, 2023 as a request for extension of protection of International Registration No. 1763355. According to the Application, "The mark consists of the stylized black wording 'MADE BY DENTISTS' to the left of a design of a purple alien with one white eye, two purple antennae, and two white teeth. The alien is outlined in black and is next to a white star design and a white circle design, both outlined in black." The colors purple, white, and black are claimed features of the mark.

Application Serial No. 79384076 was filed on April 13, 2023 as a request for extension of protection of International Registration No. 1763354. According to the Application, "The mark consists of the stylized black wording 'MADE BY DENTISTS' to the left of a design of a brown and black primate with its mouth open wide. The primate's eyes and teeth are white." The colors brown, white, and black are claimed as features of the mark.

Application Serial No. 79383214 was filed on August 22, 2023 as a request for extension of protection of International Registration No. 1761140. According to the Application, "The mark consists of the stylized black wording 'MADE BY DENTISTS' to the left of a design of a pink feline head with black spots, two pointed white teeth, two white eyes, and yellow inner ears. The feline is outlined in black." The colors pink, yellow, white, and black are claimed as features of the mark.

Application Serial No. 79382237 was filed on April 13, 2023 as a request for extension of protection of International Registration No. 1758953. According to the Application, "The mark consists of the stylized black wording 'MADE BY DENTISTS' to the left of a design of a blue shark with two white eyes showing its white teeth and pink gums emerging from waves consisting of a black wavy line. The shark is outlined in black." The colors pink, blue, white, and black are claimed as features of the mark.

part of each proposed mark, MADE BY DENTISTS, is disclaimed due to (i) its mere descriptiveness under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), and (ii) its failure to function as a trademark.[2] 15 U.S.C. §§ 1056(a), 1127. When the refusals were made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the requests for reconsideration, the appeals proceeded. The Board granted Applicant's motion to consolidate the five appeals,[3] which are fully briefed and ready for decision.

I. Disclaimer Requirement

A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.,* 340 F.2d 978, 979-80 (CCPA 1965); TMEP §1213. The USPTO may "require the applicant to disclaim an unregistrable component of a mark otherwise registrable" under 15 U.S.C. § 1056(a). "As used in trade mark registrations, a disclaimer of a component of a composite mark amounts merely to a statement that, in so far as that particular registration is concerned, no rights are being asserted in the disclaimed component standing alone, but rights are asserted in the composite; and the particular registration represents only such rights as flow from the use of the composite mark." *Sprague Electric Co. v. Erie Resistor Corp*., 1954 WL 5425, *1 (Comm'r Pats. 1954). Failure to comply with a disclaimer requirement

[2] Citations to the prosecution files refer to the USPTO's Trademark Status & Document Retrieval ("TSDR") system and identify the documents by title, date, and page in the downloadable .pdf version in Serial No. 79380381.

[3] 7, 8 TTABVUE. References to the briefs and other materials in the appeal record refer to the Board's TTABVUE online docketing system. Unless otherwise stated, all TTABVUE citations shall be to the appeal of Application Serial No. 79380381.

is a basis for refusal. *In re Korn Ferry*, No. 90890949, 2024 WL 3219482, *2 (TTAB 2024).

The PTO "may require a disclaimer as a condition of registration if the mark is merely descriptive for at least one of the products or services involved." *In re Stereotaxis, Inc.,* 429 F.3d 1039, 1041 (Fed. Cir. 2005). The U.S. Court of Appeals for the Federal Circuit explains the principles underlying disclaimers:

> The Lanham Act's disclaimer requirement strikes a statutory balance between two competing trademark principles. On the one hand, it provides the benefits of the Lanham Act to applicants for composite marks with unregistrable components. On the other hand, the Act prevents an applicant from claiming exclusive rights to disclaimed portions apart from composite marks. The applicant's competitors in the same trade must remain free to use descriptive terms without legal harassment. … By encouraging definition of the rights claimed in a composite mark, the Act discourages unnecessary litigation.

Dena Corp. v. Belvedere Int'l, Inc., 950 F.2d 1555, 1560 (Fed. Cir. 1991) (internal citation omitted); *In re Louisiana Fish Fry Prods., Ltd*., 797 F.3d 1332, 1335 (Fed. Cir. 2015) ("Disclaiming unregistrable components prevents the applicant from asserting exclusive rights in the disclaimed unregistrable terms.").

See generally Estate of P.D. Beckwith, Inc. v. Comm'r of Pats., 252 U.S. 538 (1920). "A term is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used." *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963 (Fed. Cir. 2007). 15 U.S.C. § 1052(e)(1).

Where a proposed mark, or portion thereof, consists of multiple words, the mere combination of descriptive words does not necessarily create a nondescriptive expression. *In re Phoseon Tech. Inc.*, No. 77963815. 2012 WL 3854070, * 5-6 (TTAB 2012) (SEMICONDUCTOR LIGHT MATRIX merely descriptive for light curing

systems and UV curing systems). If each component retains its merely descriptive significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive and unregistrable. *In re Oppedahl & Larson LLP,* 373 F.3d 1171, 1174 (Fed. Cir. 2004).

II. Analysis

The Examining Attorney maintains that 'MADE BY DENTISTS' immediately conveys to consumers a feature or characteristic of the goods in that they are designed by dentists.[4] "Terms that describe the provider of a product may be merely descriptive of the product,"[5] the Examining Attorney continues, elaborating that:

> The evidence shows that applicant was created and is owned by dentists. Applicant concedes this fact. Moreover, applicant, in its advertisement for the goods, includes the information that it is "owned by dentists." Here, there is no question that "DENTISTS" describes the provider of the identified goods. And the addition of the wording "MADE BY" further clarifies who is the provider of the goods. Here, the goods are "MADE BY" the very "DENTISTS" that own applicant and that provide the goods.[6]

Applicant responds that MADE BY DENTISTS is suggestive, not descriptive: "The evidence shows that the wording 'MADE BY DENTISTS' suggests a connection to the inventors of the goods, as the phrase 'MADE BY DENTISTS' refers to Applicant's founders rather than to the goods themselves."[7] Applicant elaborates:

> The evidence of record is plainly insufficient to establish that the wording "MADE BY DENTISTS" is merely descriptive of Applicant's goods. Rather, it demonstrates that such wording is, at a minimum, suggestive. Notwithstanding the Examining Attorney's assertions to the contrary, the evidence supports the conclusion that the wording "MADE BY DENTISTS"

[4] Examining Attorney's brief, 6 TTABVUE 6.

[5] *Id.*, 6 TTABVUE 3 (citing inter alia *In re Chamber of Com. of the U.S.*, 675 F.3d 1297 (Fed. Cir. 2012).

[6] *Id.*, 6 TTABVUE 3-4.

[7] Applicant's main brief, 4 TTABVUE 9.

> requires imagination, thought, and perception to reach a conclusion as to the nature of the goods recited in the Application. The phrase "MADE BY DENTISTS" refers to Applicant's founders; thus, it is not a phrase that references a feature of Applicant's goods themselves.[8]

Specifically, Applicant disputes that the dental goods are, by definition, "**MADE BY** DENTISTS." According to dictionary definitions, "MADE" means "artificially produced" or "put together of various ingredients," and "BY" means "through or through the medium of" or "through the agency or instrumentality of."[9] Applicant argues that "consumers readily understand that products undergo a design phase before a manufacturing phase, and the involvement of dentists in the design of a product is not the same as dentists manufacturing or making that product. … Applicant's goods are not made by dentists—they are not put together, manufactured, constructed, shaped, or formed by dentists."[10]

We understand that dictionary definitions "represent an effort to distill the collective understanding of the community with respect to language and thus clearly constitute more than a reflection of the individual views of either the examining attorney or the dictionary editors." *In re Boulevard Entm't Inc.*, 334 F.3d 1336, 1340 (Fed. Cir. 2003). However, "[i]t is well settled that so long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive." *In re Mueller Sports Med., Inc.,* No. 87209946, 2018 WL 2277503, *6 (TTAB 2018) (quoting *In re Chopper Indus.,* 1984 WL 63033, *2 (TTAB 1984)). True, "MADE" can mean "[p]roduced or manufactured by constructing, shaping, or forming," which connotes

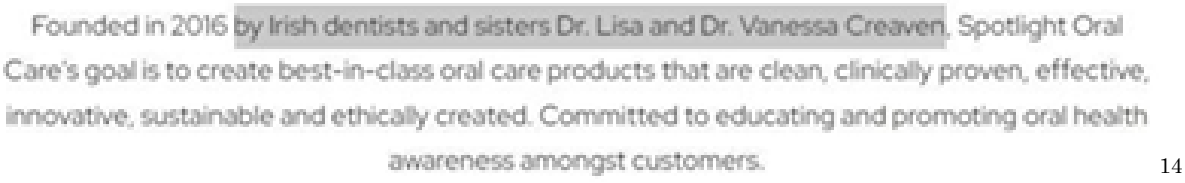
[8] *Id.*, 4 TTABVUE 8.

[9] Merriam-Webster.com, Nov. 19, 2024 Response to Office Action, ex. B, at 415-16.

[10] Applicant's reply brief, 9 TTABVUE 4.

handmade.[11] But it can also mean, more generally, "[p]roduced or created artificially" or "[h]aving been invented,"[12] or "[t]o cause to exist or happen; bring about; create."[13] And the words should be understood "in relation to the goods or services for which registration is sought, the context in which the mark is used, and the possible significance that the mark is likely to have to the average purchaser encountering the goods or services in the marketplace." *Hangzhou Mengku Tech. Co. v. Shanghai Zhenglang Tech. Co.,* No. 91272143, 2024 WL 5265081, *9 (TTAB 2025) (citing *In re Chamber of Com.*, 675 F.3d at 1300).

Here, if "MADE" means "[t]o cause to exist or happen; bring about; create," then "MADE BY DENTISTS," considered in its entirety and in the context of dental goods such as toothpaste, mouthwash and toothbrushes, comprehends the contributions made by the dentists who founded Applicant, provided the designs, specified the ingredients, and directed how the ingredients were to be put together into the dental goods. Applicant's website reveals:


Founded in 2016 by Irish dentists and sisters Dr. Lisa and Dr. Vanessa Creaven, Spotlight Oral Care's goal is to create best-in-class oral care products that are clean, clinically proven, effective, innovative, sustainable and ethically created. Committed to educating and promoting oral health awareness amongst customers.

[14]

Applicant's website uses "Made by dentists" in its ordinary descriptive sense:

[11] AHDictionary.com, Nov. 21, 2024 Office Action at 42.

[12] *Id.*

[13] *Id.*

[14] SpotlightOralCare.com, June 24, 2024 Office Action at 5.

We are Innovative

Made by dentists for bespoke individual oral care needs, we combine the latest advances in oral care research with clinically proven, clean and effective ingredients to produce innovative products.

We are leading the way to help the whole family uncover their greatest smile yet, providing products customers can trust in and use in the comfort of their own home'

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See also:

We Are Made By Dentists

"As dentists, we feel passionate that 95% of your oral health goals can be achieved at home, using products that are rich in active ingredients that target your concern whether it be improving gum health, eliminating sensitivity or whitening teeth"

- Dr. Lisa & Dr. Vanessa Creaven

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Applicant touts the same message on social media:

- **LinkedIn**—"At Made By Dentists, we believe that professional-level teeth whitening should be safe, effective, and accessible to everyone—without causing sensitivity. That's why we created our Teeth Whitening Powder, designed by dentists, for real results."[17]

[15] *Id.* at 6; March 18, 2025 Office Action at 21.

[16] *Id.* at 7; March 18, 2025 Office Action at 22. Applicant argues that the Examining Attorney's Office Action contains multiple examples of "'MADE BY DENTISTS' appearing front and center with the TM symbol…." Applicant's reply brief, 9 TTABVUE 8. But use of the "TM" symbol cannot transform an otherwise unregistrable designation into a registrable one. *Univ. Ky. v. 40-0, LLC*, No. 91224310, 2021 WL 839189, *16 (TTAB 2021).

[17] LinkedIn.com, March 18, 2025 Office Action at 6, 9.

- **Facebook**—"Clinically proven [Created by Dentists]…."[18]

On retail websites:

- **Amazon**—"As dentists, we know most people hate coming to see us, but the truth is, great oral health can be achieved at home. That's why we developed a premium collection of safe, clinically prove products for our patients, families and friends."[19]

- **Walmart**—"Created by dentists and sisters Dr. Lisa and Dr. Vanessa Creaven, Made By Dentists Whitening Toothpaste is formulated with clean, clinically proven ingredients to help brighten your smile and prevent cavities."[20]

- **UberEats**— "Our Sensitive + Whitening Toothpaste has been professionally formulated to strengthen and protect teeth against cavities and sensitivity while ensuring maximum whitening performance.
  Created by dentists and sisters Dr. Lisa and Dr. Vanessa Creaven, Made By Dentists Sensitive + Whitening Toothpaste is formulated with sodium fluoride, hydrogen peroxide and potassium nitrate for those with sensitive teeth, who also want to brighten their smile."[21]

- **Target**— "Created by dentists and sisters Dr. Lisa and Dr. Vanessa Creaven, the Made By Dentists Sonic Toothbrush delivers professional results in the comfort of your own home."[22]

- **Body & House**—"Teeth whitening treatment created by Dr. Lisa and Dr. Vanessa Creaven."[23]

Reviewers have covered them as well:

- **RealSimple**-- "The dentist duo created the powder using three whitening ingredients that work to oxidize stains: Phthalimido-peroxy-caproic acid (PAP), Hydroxyapatite, and diamond powder."[24]

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[18] Facebook.com, *Id.* at 25.

[19] Amazon.com, *Id.* at 39-40.

[20] Business.Walmart.com, *Id.* at 57.

[21] UberEats.com, March 18, 2025 Office Action at 34.

[22] Target.com, *Id.* at 51.

[23] BodyAndHouse.com, *Id.* at 61.

[24] RealSimple.com, *Id.* at 29.

As this evidence shows, "MADE BY DENTISTS", used in context, bespeaks the broader definition of "MADE BY": "[t]o cause to exist or happen; bring about; create,"[25] not the narrow definition advanced by Applicant. In that sense, the dentists "MADE" the dental goods in the same sense that Henry Ford "made" the Model T, even if he didn't assemble the cars by hand.

Applicant argues that:

> In analogous cases, the fact that a mark, or portion thereof, relates to the desirable results of using or having used a good renders it suggestive of those goods, not descriptive, as such suggestions do not immediately tell something about the good or service. *See, e.g., In re George Weston Ltd.*, 228 USPQ 57 (TTAB 1985) (SPEEDI BAKE for frozen dough found to fall within the category of suggestive marks because it only vaguely suggests a desirable characteristic of frozen dough, namely, that it quickly and easily may be baked into bread); *In re The Noble Co.*, 225 USPQ 749 (TTAB 1985) (NOBURST for liquid antifreeze and rust inhibitor for hot-water-heating systems found to suggest a desired result of using the product rather than immediately informing the purchasing public of a characteristic, feature, function, or attribute).[26]

Applicant's argument, however, misconceives the basis for the refusals, which is that MADE BY DENTISTS describes the provider of the goods, not the goods' results.[27]

"It is well-established that a term which describes the provider of goods or services is also merely descriptive of those goods and services." *In re Major League Umpires*, No. 75154506, 2001 WL 777067, *2 (TTAB 2001). In *Major League Umpires*, the applicant, a limited liability company formed by three Major League umpires, applied to register MAJOR LEAGUE UMPIRE for clothing, including caps and uniforms, and

[25] *Id.*

[26] Applicant's main brief, 4 TTABVUE 9.

[27] Examining Attorney's brief, 6 TTABVUE 3-4.

"face masks, chest protectors and shin guards for athletic use," but encountered a refusal based on Section 2(e)(1). On appeal, the Board observed that the identified goods were not only provided by umpires, but were also designed by umpires—a fact touted in the applicant's advertising:

> We would point out, though, that the mark MAJOR LEAGUE UMPIRE also immediately conveys to purchasers information about a designer of at least some of the goods. Applicant's advertisements tout the fact that a protective vest it sells was invented by "Major League Umpire Joe West."… Therefore, the mark MAJOR LEAGUE UMPIRE would immediately convey to such purchasers a characteristic of the gear/clothing, i.e., that it is designed by a major league umpire.

Id.

The Board elaborated on these principles in *In re Recreational Equipment, Inc.,* No. 87186780, 2020 WL 6938376 (TTAB 2020). There it held that "A careful reading of the *Major League Umpires* decision suggests the Board was not making a broad holding that all terms that describe something about the source of goods are per se unregistrable as merely descriptive of the goods,"; rather, "when the Board discussed the descriptive nature of the mark vis-à-vis the source, it pointed out that the umpires who owned and operated the business actually designed some of the goods, a fact touted in the applicant's advertising"; the mark "went well beyond simply describing something about the source of the goods. It also described characteristics of the goods." *Id*. at *3-4; *see generally* TMEP § 1209.03(q).

Similarly here, MADE BY DENTISTS immediately conveys knowledge of both a feature and characteristic of the dental goods: that they are designed and provided by dentists, a type of provider in the field who, by virtue of their profession, possess apparent skill or expertise that may be perceived or advertised as rendering their

goods useful or appealing. As the Board explained in *Major League Umpires*, "Certainly, 'doctor's diet' for a diet plan would be understood by consumers as describing a diet designed or provided by a doctor, even though 'doctor' does not describe the qualities or mechanics (e.g., low fat, low carbohydrate) of the diet plan." 2001 WL 777067, at *2. The same reasoning applies to doctors of dental surgery—i.e., dentists.[28] Applicant's advertising via its website and social media touts the benefits of dental goods designed by dentists. *See In re Berkeley Lights, Inc.*, Ser. No. 88895703, 2022 WL 15733123, *6 (TTAB 2022) ("'an applicant's own website and marketing materials may be . . . 'the most damaging evidence' in indicating how the relevant purchasing public perceives a term.'"). And Applicant itself states that "oral care products being designed by dentists might be desirable to consumers," even though it still maintains that "there is no specific ingredient, quality, characteristic, feature, function, purpose or use of the goods that is directly communicated by the wording."[29]

Others in the dental field have an equal right to use "made by dentists." Third-party website pages submitted by the Examining Attorney show, for example:

- "Dental crowns are **made by dentists** using a mold of your tooth…."[30]
- "Bridges and crowns are **made by dentists** with decades of experience so you can be sure of success."[31]

[28] AHDictionary.com, 3/16/2026.

[29] Applicant's main brief, 4 TTABVUE 9.

[30] Caldentistry.com, Nov. 21, 2024 Office Action at 6 (all with emphasis added).

[31] 5Dent.com, *Id*. at 12.

- "[Teeth whitening] trays are **made by dentists** using imprints of your teeth, and a high-quality whitening gel is then placed within."[32]
- "Our collection is **made by dentists**, for you. The Linhart line of oral care products is based on 10 years of development within our global patient pool…."[33]
- "Duo toothpaste is **made by dentists** in the United States."[34]

Applicant critiques the Examining Attorney's third-party examples "because they identified unrelated goods and services such as headlights and earplugs rather than Applicant's actual goods," and because "three of the cited references were from websites in the United Kingdom and Australia and thus did not demonstrate how U.S. consumers would associate Applicant's Mark with Applicant's goods…."[35]

But the examples quoted above are for dental products advertised in the United States. Descriptiveness may be demonstrated by "evidence of third parties that use the term … to describe [goods or] services that are similar to those identified in [the] application," *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1378 (Fed. Cir. 2012), illustrating how "descriptive words must be left free for public use." *In re Colonial Stores, Inc.*, 394 F.2d 549, 551 (CCPA 1968), *quoted in In re Styleclick.com Inc.*, No. 75459912, 2001 WL 245735, *5 (TTAB 2001).

[32] ProDentalMN.com, Nov. 21, 2024 Office Action at 25.

[33] SpaandBeautyToday.com, *Id.* at 94.

[34] ToothFeed.com, *Id*. at 100.

[35] Applicant's main brief, 4 TTABVUE 6.

Applicant then presents its own third-party evidence: approximately two hundred USPTO registrations and allowed applications containing "MADE BY _____" without disclaimers.[36] Applicant highlights the following examples in its brief:

Trademark	Regis. No.	Goods and Services	Owner
MADE BY TWO HAIRY GUYS	6314764	CL 3: Wax for removing body hair	WAKSE LLC
MADE BY HUMANS WITH VAGINAS FOR HUMANS WITH VAGINAS	6057706	CL 3: Body cream; Feminine deodorant sprays; Non-medicated feminine hygiene wash; vulva moisturizer	THE HONEY POT COMPANY (DE), LLC
MADE BY VETS. CRAVED BY PETS.	6493302	CL 5: nutritional supplements for animals; food supplements for animals; dietary supplements for animals; aspirin	Manna Pro Products, LLC
FKUR PLASTICS - MADE BY NATURE! ("PLASTICS" disclaimed)	3516602	CL 1: [*applicable*] unprocessed plastics, unprocessed plastics from regrowing raw products in the nature of native polymers, biodegradable unprocessed plastics, unprocessed plastics from regrowing natural sources, biodegradable plastics from regrowing raw products in the form of pellets, compounds of polymers, namely, polymer alloy compositions used for blown films, extruded sheets and/or profiles or containers, foamed and/or molded and/or thermoformed products; CL 2: raw natural resins for use in the manufacture of resins and for general industrial use	FKuR Property GmbH
MADE BY THE ORIGINAL TOBACCO TRADERS	3624168	CL 34: Roll your own tobacco	NATIVE TRADING ASSOCIATES, LLC
MADE BY FIREMEN FOR FIREMEN ("FIREMEN" disclaimed)	3609120	CL 11: Fire fighting accessories, namely, flashlight holders for attaching to firefighter's helmets	ONCALL, LLC
MADE BY MAMAS, FOR MAMAS	6328890	CL 25: Maternity apparel, namely, shirts, pants, shorts; Maternity leggings, namely, leggings featuring built-in maternity bands	Spanx, Inc.
HEY HONEY! MADE BY HAPPY BEES	6766102	CL 30: Honey	Hey Honey LLC

[36] Nov. 19, 2024 Response to Office Action at 29-413.

JEWELRY MADE BY ME ("JEWELRY" disclaimed)	5871705	CL 14: Women's jewelry, including pendants, lockets, charms, beads, necklaces, bracelets, rings, and pins; jewelry, namely, Victorian and coastal themed jewelry collections; earring backs; key rings and key chains; jewelry findings, namely, magnetic clasps, pin to pendant converters, and chain extenders; and jewelry making instruments, namely, earring backs, clasps, links, and chains	JEWELRY MADE BY ME, LLC
MADE BY ME!	4252348	CL 16: Craft and activity kits for children, namely, hobby paint kits to paint and personalize bird houses and piggy banks; craft and activity kits for children, namely, paint and clay or plaster kits; craft and activity kits for children for decorating a backpack, namely, markers and a backpack; craft and activity kits for children for painting and decorating friendship stones, namely, paint, paint brushes, plaster and molds; craft and activity kits for children for painting and decorating a clock, namely, paint, paint brushes and a clock; craft and activity kits for children for painting and decorating toy cars, namely, paint, paint brushes and toy cars; craft and activity kits for children for painting and decorating magnets, namely, paint, paint brushes and magnets; craft and activity kits for children for painting, decorating and burning wood objects, namely, paint, paint brushes, wooden objects and wood burning iron; craft and activity kits for children for painting and decorating a time capsule, namely, paint, paint brushes and a time capsule; craft and activity kits for children for painting and decorating toy pets, namely, paint, paint brushes and toy pets; craft and activity kits for children for painting and decorating bobble heads object, namely, paint, paint brushes and bobble head objects; craft and activity kits for children for painting and decorating figurines, namely, paint, paint brushes and figurines; craft and activity kits for children for creating sand art, namely, sand and a container; craft and activity kits for children for decorating frames, namely, paint, brush and frame; arts and craft kits containing various combinations of selected art and craft supplies, namely, paint, paint brushes and clay	Horizon Group USA, Inc

		CL 26: Craft and activity kits for children for weaving objects including a weaving loom, weaving hook and weaving loops; weaving loops; Craft and activity kits for children for weaving or creating friendship bracelets	
MADE BY MOOS	4125280	CL 29: Cheese	LIPARI FOODS OPERATING COMPANY, LLC
MADE BY CHICKPEAS, NOT CHICKS	7506392	CL 29: Egg substitute; vegetable-based egg substitute; processed chickpeas; powdered eggs; vegan egg substitute made from plant ingredients	O'Brien, Grace
MADE BY ITALIANS. ENJOYED BY EVERYONE!	3503564	CL 30: Sauces; Pasta sauce; Tomato sauce; Spaghetti sauce; Vodka sauce	SUGO BRANDS LLC

[37]

Applicant argues that "over 200 prior registrations for marks including "MADE BY" (or equivalent terms) with no disclaimer signify a lack of consumer perception of the phrase "MADE BY" as being descriptive of the goods and services identified in those registrations."[38] Applicant continues, "just as consumers of MADE BY TWO HAIRY GUYS body hair removal wax understand that the product was not actually manufactured by two hairy guys, so too will consumers understand that MADE BY DENTISTS dental products were not literally manufactured by dentists."[39]

The Examining Attorney rejoins that "[t]he descriptive nature of the wording 'MADE BY' combined with 'DENTISTS' is clear. The same cannot be said of the third-party registrations, which involve a variety of goods and services. For example, the mark in U.S. Registration No. 4125280 is 'MADE BY MOOS,' in Class 29, for 'cheese.' Without the benefit of the full record, it is not clear what 'moos' are and whether they

[37] Applicant's main brief, 4 TTABVUE 15-16.

[38] Applicant's main brief, 4 TTABVUE 4.

[39] Applicant's reply brief, 9 TTABVUE 5.

make cheese."[40] Applicant answers that "the Examining Attorney's focus on MADE BY MOOS is in no way representative of the majority of the third-party registrations relied upon by Applicant…."[41]

We find upon review of Applicant's cited third-party registrations that most have little or no probative value. As the case law above reveals, an applied-for mark may be deemed descriptive in part or in whole if it immediately conveys knowledge of a feature and characteristic of the goods: i.e., that they are designed and purveyed by certain types of providers who, by virtue of their profession, possess some apparent skill or expertise that may be perceived or advertised as rendering the goods useful or appealing. *Major League Umpires*, 2001 WL 777067; *Recreational Equipment*, 2020 WL 6938376, at *3-4.

Most of Applicant's examples of third-party marks do not meet this standard. For example, third-party marks such as MADE BY MOOS, MADE BY CHICKPEAS, NOT CHICKS, KORKO MADE BY NATURE, MADE BY THE WATER, MADE BY CHICKS, MADE BY GHOSTS, FKUR PLASTICS – MADE BY NATURE!, OUR WORLD IS STILL MADE BY HAND, and HEY HONEY! MADE BY HAPPY BEES do not refer to any designers, much less a class or type of purveyors of the goods. And third-party marks such as MADE BY TWO HAIRY GUYS, JEWELRY MADE BY ME, MADE. BY LIA, MADE BY JOHNNY, HAND MADE BY MARKETTA, MADE BY HUMANS, MADE BY ALIENS, MADE BY DESIGN, MADE BY MANY, MADE BY US, MADE WITH YOU, and MADE BY ME! do not identify a type of professional

[40] Examining Attorney's brief, 6 TTABVUE 8.

[41] Applicant's reply brief, 9 TTABVUE 7.

or entity. Thus, most of Applicant's registered third-party marks do not indicate the provenance and characteristics of their identified goods.

Only a few of Applicant's examples are relevant under the *Major League Umpires* standard. Registration No. 3609120, MADE BY FIREMEN FOR FIREMEN (a slogan for BLACKJACK helmet flashlight holders) identifies the profession, but was amended to disclaim "FIREMEN" at the examining attorney's instance, thereby freeing up the term for use by others. Registration No. 6493302, MADE BY VETS. CRAVED BY PETS (a slogan of NUTRI-VET nutritional supplements for animals) identifies the profession by shortening "veterinarians," and contains no disclaimers; but its prosecution history contains no refusals or amendments, so we are left to guess whether the examining attorney considered *Major League Umpires* applicable, regarded the mark as unitary, or had some other reasoning.

In sum, Applicant's examples of relevant third-party registrations are few in number, and result from the decisions of other examining attorneys, not the Board. As the Board has recently declared:

> In any event, prior decisions and actions of other examining attorneys in registering other marks have little evidentiary value and are not binding on the USPTO or the Board. … A mark that is merely descriptive does not become registrable simply because other seemingly similar marks appear on the register. … The third-party registrations for various app icons were decided on their own records and have minimal probative value. Any effort to draw an analogy between the third-party registrations and Applicant's proposed mark is far less meaningful than the detailed analysis we have given to the specific aspects of Applicant's proposed mark.

Hangzhou v. Shanghai, 2024 WL 5265081, at *15 (internal citation omitted).

The Federal Circuit has stated that "this court encourages the PTO to achieve a uniform standard for assessing registrability of marks. Nonetheless, the Board (and

this court in its limited review) must assess each mark on the record of public perception submitted with the application." *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342 (Fed. Cir. 2001). Accordingly, "[t]he Board has recognized that consistency is highly desirable, but consistency in examination is not itself a substantive rule of trademark law...." *In re Korn Ferry*, 2024 WL 3219482, *5 n.13 (TTAB 2024) (cleaned up).

Based on the foregoing, we have no doubt that consumers who see the term MADE BY DENTISTS in Applicant's marks, used on the identified goods, would immediately understand a significant characteristic is that the goods are designed and provided by dentists. The definitions of the words MADE and BY show their descriptiveness in this context, and as the above evidence makes clear, the combination of MADE BY and DENTISTS indicates skilled professional providers of the goods. Accordingly, the term MADE BY DENTISTS in each of the marks is merely descriptive of the identified goods in both classes.

Because the phrase MADE BY DENTISTS is merely descriptive as a whole, it must be disclaimed as a whole. *In re Wanstrath*, 1987 WL 123913, *2 (Comm'r Pats. 1987); *see, e.g., Am. Speech-Language-Hearing Ass'n v. Nat'l Hearing Aid Soc.*, 1984 WL 63174, * 7 n.3 (TTAB 1984) (CERTIFIED HEARING AID AUDIOLOGIST found to be "a unitary expression that should be disclaimed in its entirety"). *See generally* TMEP § 1213.08(b) ("Disclaimer of Unregistrable Matter in Its Entirety). The record supports a finding that MADE BY DENTISTS is a merely descriptive grammatical whole. The third-party website evidence provides further support for this finding, because it shows common usage of "made by dentists" as a complete term describing

dental products designed and provided by dentists. The combination of the terms MADE, BY and DENTISTS, does not convey any meaning or connotation different from its individual components. That is, when viewed in relation to Applicant's goods, the combined components MADE, BY and DENTISTS retain their merely descriptive significance. *Oppedahl & Larson,* 373 F.3d at 1174.[42]

III. Conclusion

For the foregoing reasons, we find that the literal portion of Applicant's proposed marks is merely descriptive of its goods, and must be disclaimed in its entirety. 15 U.S.C. § 1056(a). We do not reach the Examining Attorney's other ground for refusal. *In re Princeton Equity Grp., LLC*, No. 97397212, 2025 WL 1638891, *4 (TTAB 2025).

Decision: The refusal to register Applicant's proposed marks in both classes absent a disclaimer of their literal portions is **affirmed**. However, if Applicant submits disclaimers of "MADE BY DENTISTS" to the Board within thirty (30) days of the mailing date of this decision, the requirements for disclaimers will have been met and the applications will proceed. Trademark Rule 2.142(g), 37 C.F.R. § 2.142(g). The disclaimers should read as follows: "No claim is made to the exclusive right to use MADE BY DENTISTS apart from the mark as shown."

[42] Also, the placement of the words to the left of each design makes the wording visually prominent and easy to separate from the design of each mark, such that none of the marks is unitary in its entirety. See Dena v. Belvedere, 950 F.2d 1555 1561(finding EUROPEAN FORMULA and design for cosmetics not unitary since the "elements are not so merged together that they cannot be regarded as separate" and the proximity of the words to the design feature "does not endow the whole with a single, integrated, and distinct commercial impression."); In re Lego Juris A/S, No. 88698784, 2022 WL 1744613 (TTAB 2022). Moreover, the words MADE BY DENTISTS are not so stylized as to create an impression on purchasers separate and apart from the descriptive meaning of the words. See In re Cordua Rests., Inc., 823 F.3d 594, 606 (Fed. Cir. 2016).