

**This Opinion is Not a
Precedent of the TTAB**

Mailed: April 17, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Michael J. Golia

Serial No. 98516586

David Chen and John Keller, IP Attorneys Group, LLC, for Michael J. Golia.

Kennina Ip, Trademark Examining Attorney, Law Office 121,
Richard White, Managing Attorney.

Before Elgin, Lavache, and O'Connor,
Administrative Trademark Judges.

Opinion by O'Connor, Administrative Trademark Judge:

Applicant Michael J. Golia has appealed the refusal of his application to register, on the Principal Register, the proposed mark GOLIA in standard characters for goods ultimately identified as “non-medicated candy confectioneries and non-medicated candies,” in International Class 30.¹

¹ Application Serial No. 98516586 was filed on April 24, 2024 pursuant to Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon an allegation of a bona fide intention to use the mark in commerce.

Citations to the prosecution file are to entries in the USPTO’s Trademark Status & Document Retrieval (“TSDR”) system in .pdf format. Citations to the appeal record are to TTABVue, the Board’s online docketing system.

The Trademark Examining Attorney refused registration of Applicant's proposed mark pursuant to Section 2(e)(4) of the Trademark Act, 15 U.S.C. § 1052(e)(4), on the ground that GOLIA is primarily merely a surname. When the refusal was made final, Applicant filed this appeal and requested reconsideration. The appeal was suspended, reconsideration was denied, and the appeal was resumed.

The appeal has now been fully briefed and is ready for decision. We affirm the refusal to register.

I. Primarily Merely a Surname – Applicable Law

Section 2(e)(4) of the Trademark Act precludes registration on the Principal Register of a mark that is “primarily merely a surname.” 15 U.S.C. § 1052(e)(4).² “A mark is primarily merely a surname if the surname ‘is the primary significance of the mark as a whole to the purchasing public.’” *Earnhardt v. Kerry Earnhardt, Inc.*, 864 F.3d 1374, 1377 (Fed. Cir. 2017) (quoting *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554 (Fed. Cir. 1988)); *see also In re Harris-Intertype Corp.*, 518 F.2d 629, 631 (CCPA 1975) (the primary significance to the purchasing public is determinative) (citations omitted); *accord In re Six Continents Ltd.*, No. 88430142, 2022 TTAB LEXIS 35, at *4-5.

² A mark consisting of a surname may be registered on the Principal Register if it has acquired distinctiveness as a source identifier under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f). *See, e.g., Schlafly v. St. Louis Brewery, LLC*, 909 F.3d 420, 425 (Fed. Cir. 2018). However, as is normally the case with Section 1(b) applications, Applicant has not claimed acquired distinctiveness. *See generally* TRADEMARK MANUAL OF EXAMINING PROCEDURE § 1212.09 (Nov. 2025).

In *In re Etablissements Darty et Fils*, 759 F.2d 15 (Fed. Cir. 1985), the Federal Circuit considered several inquiries in determining whether the purchasing public would perceive a proposed mark as primarily merely a surname, including: (1) whether the applicant adopted a principal's name and uses it in a way that reveals its surname significance; (2) whether the term has a non-surname, ordinary language meaning; and (3) the extent to which other people have that surname (i.e., its degree of rarity or commonality). *Id.* at 17. The Board expanded on those three potential inquiries in *In re Benthin Mgmt. GmbH*, No. 74340080, 1995 TTAB LEXIS 10, adding two more inquiries that can lead to probative evidence: (4) whether the term has the “structure and pronunciation” or “look and sound” of a surname; and (5) whether the stylization of lettering is distinctive enough to create a separate commercial impression. *Id.* at *5-6.³ “These inquiries are not exclusive, nor are they presented in order of importance; any of the inquiries—singly or in combination—as well as any other relevant circumstances, may shape the analysis in a particular case.” *Six Continents*, 2022 TTAB LEXIS 35, at *6 (citations omitted).

Whether the primary significance of a proposed mark is merely that of a surname is a question of fact. *See Etablissements Darty*, 759 F.2d at 17. There is no rule as to the kind or amount of evidence necessary to show that relevant consumers will perceive a term as primarily merely a surname; the question must be resolved on a

³ Because the proposed mark is displayed in standard characters, we need not consider whether any stylization of the lettering is distinctive enough to create a separate commercial impression. *In re Tapio GmbH*, No. 87941532, 2020 TTAB LEXIS 483, at *26 n.28 (stating that it is unnecessary to consider the fifth *Benthin* factor when the mark is in standard characters) (citing *In re Yeley*, No. 78489186, 2007 TTAB LEXIS 87, at *3).

case-by-case basis. *Tapio*, 2020 TTAB LEXIS 483, at *25 (citing *Etablissements Darty*, 759 F.2d at 17). We examine the entire record to determine the primary significance of a term. *In re Olin Corp.*, No. 86651083, 2017 TTAB LEXIS 337, at *9. If there is any doubt, “we are inclined to resolve doubts in favor of the applicant.” *Benthin*, 1995 TTAB LEXIS 10, at *7-8.

II. Analysis

The evidence of record demonstrates that GOLIA is a surname.⁴ Applicant does not dispute that GOLIA is a surname, but argues that when the evidence is properly considered under the applicable factors, the primary significance of GOLIA to the purchasing public would not be as merely a surname. In particular, Applicant argues that “the surname GOLIA is exceedingly rare and virtually unknown to the American public” and points to prior third-party registrations in which the USPTO allegedly “recognized GOLIA as the Italian translation of GOLIATH, establishing a readily understood non-surname meaning.”⁵ The Examining Attorney counters that Applicant uses the mark as a surname, which is probative evidence of the significance of the term.⁶ Further, even if relatively rare, the purchasing public has been exposed to GOLIA as a surname through media references to individuals with that name and that GOLIA has no recognized meaning beyond its surname significance, with the

⁴ See, e.g., April 24, 2024 Application, TSDR 1 (listing Applicant’s name as Michael J. Golia); November 13, 2024 Non-final Office Action, TSDR 8-12 (Forebears.io entry for the surname Golia); *id.* at 43-68 (Lexis+® surname database listing people with the surname Golia).

⁵ 6 TTABVUE 6, 8-15.

⁶ 8 TTABVUE 6-7.

evidence also showing that GOLIA has the structure and pronunciation of a surname.⁷

We consider these arguments in the context of the inquiries outlined above.

A. Whether GOLIA is Rarely Encountered as a Surname

Under this factor, we consider the frequency of, and public exposure to, GOLIA as a surname in the United States. *Tapio*, 2020 TTAB LEXIS 483, at *26 (citing *Olin*, 2017 TTAB LEXIS 337, at *9). The record contains evidence that there are approximately 600 people in the United States with the surname “Golia”⁸ and based on this the Examining Attorney concedes that Golia appears to be a relatively rare surname.⁹ Applicant seizes on this, stating “given that the United States has a national population of over 335 million people, 600 listings establish that only 0.000179% of the population of the United States has the surname GOLIA.”¹⁰

Whether Golia is a relatively rare surname does not end the inquiry, however, because “[e]ven a rare surname may be held primarily merely a surname if its primary significance to purchasers is that of a surname.” *In re Beds & Bars Ltd.*, No. 85597669, 2017 TTAB LEXIS 141, at *14-15; *see also In re Eximius Coffee, LLC*, No.

⁷ 8 TTABVUE 4-10.

⁸ *See* November 13, 2024 Non-final Office Action, TSDR 3, 43-68 (printout from Lexis+® database of cell phone and other phone numbers, indicating 642 occurrences, including list of the first 500 entries, some of which appear to be duplicates); 8-12 (printout from Forebears.io website states that approximately 3,770 people worldwide bear the surname Golia with approximately 17% (or 640) of them living in the United States); *but see* August 25, 2025 Denial of Request for Reconsideration, TSDR 51 (2010 U.S. Census data shows 218 occurrences of the surname Golia).

⁹ November 13, 2024 Non-final Office Action, TSDR 3; *see also* 8 TTABVUE 4.

¹⁰ 6 TTABVUE 8.

86262060, 2016 TTAB LEXIS 472, at *16-17 (“While the fact that ALDECOA appears to be a relatively rare surname weighs in Applicant’s favor, it does not end the inquiry. Section 2(e)(4) makes no distinction between rare and commonplace surnames ... and even a rare surname is unregistrable if its primary significance to purchasers is a surname.”) (citations omitted).

Moreover, we do not follow a “strictly numerical approach” when considering the degree of consumer exposure to a term as a surname. *In re Adlon Brand GmbH & Co.*, No. 85831682, 2016 TTAB LEXIS 526, at *12 (citing *Etablissements Darty*, 795 F.2d at 17). Given “the massive number of surnames in the United States, even the most common surname would represent only a small fraction of the U.S. population.” *Tapio*, 2020 TTAB LEXIS 483, at *31 (citing *In re Gregory*, No. 76277664, 2004 TTAB LEXIS 277, at *8). “The relevant question is not simply how frequently a surname appears, however, but whether the purchasing public for Applicant’s [goods] is more likely to perceive Applicant’s proposed mark as a surname rather than as anything else.” *Beds & Bars Ltd.*, 2017 TTAB LEXIS 141, at *15. Thus, in making this assessment we also consider the extent to which the public has been exposed to the surname through news reports and the like. *Gregory*, 2004 TTAB LEXIS 277, at *8.

Here, the record contains evidence of a number of media mentions and references to individuals with the surname Golia. Applicant faults the Examining Attorney for not presenting evidence of a “‘nationally famous figure’ with the surname GOLIA,”¹¹ contending that the most prominent individuals with this surname are “a local

¹¹ 6 TTABVUE 12; 9 TTABVUE 7-8.

gardener and a high school wrestler.”¹² But we have previously declined “to adopt a heightened standard requiring ‘celebrity status,’ ‘national notoriety,’ or ‘significant media attention’ in order to find that a surname, although not common, has sufficient public exposure to be primarily merely a surname within the meaning of Section 2(e)(4) of the Trademark Act.” *Tapio*, 2020 TTAB LEXIS 483, at *32.

Applicant also misstates the record because the Examining Attorney provided over two-dozen articles and website entries referencing individuals with the surname Golia,¹³ such as New York state appellate court judge Donna-Marie Golia;¹⁴ author Maria Golia;¹⁵ jazz musician Vinny Golia;¹⁶ New York Mets trainer Joe Golia;¹⁷ business women Lisa Golia¹⁸ and Amy Richardson-Golia,¹⁹ and artist Piero Golia.²⁰ A printout from the iGENEA website lists “famous people named Golia” including American photographer and filmmaker Joe Golia, American businessman Gerry

¹² 9 TTABVUE 6-7.

¹³ April 2, 2025 Final Office Action, TSDR 13-73; August 25, 2025 Denial of Request for Reconsideration, TSDR 10-50.

¹⁴ April 2, 2025 Final Office Action, TSDR 13-16.

¹⁵ *Id.* at 25-29.

¹⁶ *Id.* at 31-32 (described as “a multi-instrument maestro who for decades has been a leading light of avant-garde jazz and contemporary classical....”); August 25, 2025 Denial of Request for Reconsideration, TSDR 5 (Wikipedia entry).

¹⁷ August 25, 2025 Denial of Request for Reconsideration, TSDR 17.

¹⁸ April 2, 2025 Final Office Action, at 45-47 (article announcing her new role as Chief Operating Officer of UBS Global Wealth Management US).

¹⁹ *Id.* at 63-65 (article about founder of baby clothing company that was named No. 472 on the 2018 Inc. 5000 list of fastest growing companies; company was started in New York before being relocated to Texas).

²⁰ *Id.* at 51-60 (article discussing the artist’s new creative space in LA).

Golia, and a fictional character Inspector Salvatore Golia from the Oscar-winning Italian movie *La vita e' bella*.²¹

Although the total number of persons in the United States with the surname Golia may be somewhat low, the examples of people in law, the arts, business, and other fields having the surname Golia show meaningful and fairly broad public exposure to GOLIA as a surname. *See Etablissements Darty*, 759 F.2d at 17 (“[E]vidence that others in a number of cities in this country bear the surname DARTY” shows that “as a surname, DARTY is not so unusual that such significance would not be recognized by a substantial number of persons.”).

We conclude that the first inquiry supports the refusal.

B. Whether GOLIA is the Surname of Anyone Connected with Applicant

Here, the individual Applicant’s last name is Golia.²² This is probative of the term’s surname significance. *Cf. Etablissements Darty*, 759 F.2d at 16-17 (holding DARTY primarily merely a surname where it was the surname of applicant’s corporate president); *Eximius Coffee*, 2016 TTAB LEXIS 472, at *11-12, 25 (holding ALDECOA primarily merely a surname where it was the surname of the founder and individuals continuously involved in the business); *Miller v. Miller*, No. 91184841, 2013 TTAB LEXIS 1, at *18 (“That Applicant’s name is MILLER strengthens the

²¹ *Id.* at 88-91.

²² April 24, 2024 Application, TSDR 1. Because the Application was filed based on intent to use, there is no evidence in the record regarding the manner of use by Applicant.

inference that the public will perceive the term as a surname.”). This inquiry also supports the refusal.

C. Whether GOLIA has any Recognized Meaning Other than as a Surname

The Examining Attorney provided dictionary evidence showing that GOLIA does not appear in dictionaries as a word in English or Italian.²³ This supports a finding that the term does not have a recognized meaning other than as a surname. *See Etablissements Darty*, 759 F.2d at 16 (surname refusal affirmed where, inter alia, term did not appear in dictionaries as a French or English word); *Olin Corp.*, 2017 TTAB LEXIS 337, at *16 (in the absence of countervailing evidence supplied by the applicant, “negative” dictionary evidence showing that the dictionaries searched do not have an entry for the term establishes that the term has no recognized meaning other than as a surname).

Applicant argues that GOLIA has a recognized meaning as “the Italian equivalent of GOLIATH, a Biblical and cultural reference connoting size and strength.”²⁴ Applicant did not submit any dictionary or translation evidence showing that the word “Golia” means “Goliath.” Instead, Applicant provided copies of two third-party registrations for the mark GOLIA that include translation statements stating that

²³ See November 13, 2024 Non-final Office Action, TSDR 40-41 (printout from online COLLINS DICTIONARY showing no results for “golia” in the English dictionary); April 2, 2025 Final Office Action, TSDR 10-12 (printout from online CAMBRIDGE DICTIONARY Italian-English option showing no entry for “golia” nor any translation of “golia” from Italian to English); *id.* at 81-82 (printout from online ETYMOLOGICAL DICTIONARY OF THE ITALIAN LANGUAGE showing no entry for “golia”).

²⁴ 6 TTABVUE 14.

“Golia” means “Goliath.”²⁵ Applicant also provided a copy of a Nonfinal Office Action issued against a pending application for the mark GOLIA in which the Examining Attorney asked whether the term has any meaning in a foreign language and, if so, proposing a statement that the English translation of GOLIA in the mark is GOLIATH.²⁶ Finally, Applicant points to another third-party Principal Register registration for GOLIA with no translation statement or claim of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. § 1052(f), as indicating that GOLIA “carries yet another independent, readily recognizable meaning beyond that of a surname.”²⁷

As we consider Applicant’s arguments, we must bear in mind that, whether an applied-for mark is primarily merely a surname must be resolved on a case-by-case basis. *In re Weiss Watch Co.*, No. 86782562, 2017 TTAB LEXIS 183, at *5 (citing *inter alia Etablissements Darty*, 759 F.2d at 17). “Even if some prior registrations had some characteristics similar to [the applicant’s] application, the [US]PTO’s allowance of such prior registrations does not bind the Board.” *In re Nett Designs, Inc.*, 236 F.3d

²⁵ January 3, 2025 Response to Office Action, TSDR 17, 20 (U.S. Reg. No. 1537535 for goods including “candies” stating that “The English translation of the word ‘Golia’ in the mark is ‘Goliath.’”; U.S. Reg. No. 1141571 for “orthopedic appliances” stating that “‘Golia’ in Italian means Goliath.”).

²⁶ June 10, 2025 Request for Reconsideration, TSDR 14, 18-21 (attaching a printout from the Reverso Dictionary website indicating that Golia in Italian translates to Goliath in English). We note that pending applications are not evidence of anything except that the applications were filed on a certain date. *Nike, Inc. v. WNBA Enters., LLC*, No. 91160755, 2007 TTAB LEXIS 39, at *12 n.8. The Examining Attorney has not objected to our consideration of the attached evidence from the third-party application, and we consider the Reverso Dictionary website printout for whatever probative value it may have.

²⁷ 6 TTABVUE 14-15; January 3, 2025 Response to Office Action, TSDR 6, 18 (U.S. Reg. No. 4595435).

1339, 1342 (Fed. Cir. 2001). Moreover, in this case, Applicant bears the surname Golia, whereas there is no evidence that anyone connected with the owners of the prior registrations had GOLIA in their names. This is a significant fact that distinguishes those earlier applications from the one before us. *See In re Braun*, 1960 TTAB LEXIS 20, at *2 (although “Braun” was the German word for brown, Board held “it is clear that it is applicant’s surname, it is used as such, and it would be thought of and recognized as such by the average purchaser” in the mark BRAUN CAMERAS and design).

Nonetheless, the Examining Attorney and Applicant spend much time arguing about the effect of these third-party registrations, all of which have now been cancelled. The Examining Attorney argues that because the third-party registrations have been cancelled they are only evidence of the fact that the registrations issued and have no bearing on the meaning of GOLIA because a cancelled registration does not receive the presumptions of Section 7(b) of the Trademark Act, including the presumption of validity subject to any limitations stated in the registration certificate.²⁸ Applicant states it does not cite the cancelled registrations “to assert any current or continuing rights to the trademark, but to demonstrate how the Office has previously recognized and treated the term GOLIA as having the Italian meaning GOLIATH, akin to citing a dictionary definition or translation of GOLIA.”²⁹

²⁸ 8 TTABVUE 8.

²⁹ 6 TTABVUE 13.

We agree with the Examining Attorney that as a general matter the cancelled registrations are only evidence of the fact that they issued. More fundamentally, however, we disagree with Applicant's unsupported contention that the prior registrations, cancelled or not, signify that the USPTO "has recognized GOLIA as the Italian translation of GOLIATH, establishing a readily understood non-surname meaning."³⁰ At most the prior registrations are evidence that two third parties offered a translation statement that was accepted by the Trademark Examining Attorney who examined those applications; by the same token, a different prior registrant and Applicant himself provided no such translation statement.

Even if evidence in the record indicates that "Golia" has some significance in Italian as referring to "Goliath," it does not show that the term has a recognized ordinary meaning among the U.S. purchasing public. "The mere existence of other non-surname meanings of a proposed mark does not preclude a finding that it is primarily merely a surname." *Tapio*, 2020 TTAB LEXIS 483, at *36. "Rather, we must consider whether the non-surname meanings eclipse the surname significance of the proposed mark." *Id.* at *37.

The Examining Attorney provided multiple sources that identify Golia as a surname, including the Forebears website,³¹ Wikipedia,³² the BYU Script Tutorial

³⁰ 6 TTABVUE 12.

³¹ November 13, 2024 Non-final Office Action, TSDR 8 (entry for "Golia Surname").

³² August 25, 2025 Denial of Request for Reconsideration, TSDR 5 (entry for "Golia (surname)").

website,³³ and the iGENEA website.³⁴ The DICTIONARY OF AMERICAN FAMILY NAMES (Oxford University Press 2d ed. 2022) entry for “Golia” reads:

1 Italian: nickname for a very large man, from the Biblical personal name Golia ‘Goliath’, or from the personal name Golia ‘Goliath’.

2 Americanized form of Slovenian Golja: topographical name derived from gol ‘bare, treeless,’. Compare GOGLIA 2.³⁵

An article on last names states that one category of surnames is derived from nicknames: “Many last names in the Nickname category describe a person’s physical appearance, as do the English nicknames Little and Long.”³⁶

Taken as a whole, this evidence does not support a finding that GOLIA carries an ordinary meaning to the purchasing public that eclipses its surname significance.³⁷ Rather, the evidence supports a finding that the primary significance of GOLIA is as a surname, potentially derived from the Biblical name “Goliath” as a reflection of the physical characteristic of size. This inquiry supports the refusal.

³³ April 2, 2025 Final Office Action, TSDR at 83, 87 (providing “a glossary of many common surnames that are found in Italian,” which includes Golia).

³⁴ *Id.* at 89 (entry for “Surname Golia – Meaning and Origin”).

³⁵ August 25, 2025 Denial of Request for Reconsideration, TSDR 72.

³⁶ April 2, 2025 Final Office Action, TSDR 100-02, 106 (Greenwich Historical Society article).

³⁷ This case stands in contrast to those cited by Applicant. *See* 6 TTABVUE 15; 9 TTABVUE 9. For example, in *In re Isabella Fiore, LLC*, No. 76445173, 2005 TTAB LEXIS 296, at *18, the Board applied the doctrine of foreign equivalents to find that “‘Fiore’ is an Italian word that is listed as the only translation of the common English word ‘flower.’ It is the type of term that potential customers would stop and translate.” Here, the evidence does not support a finding that “Golia” is a common term that potential customers would stop and translate.

D. Whether GOLIA has the Structure and Pronunciation of a Surname

Finally, we consider the evidence made of record relating to whether, due to the term's structure or pronunciation, the public would or would not perceive it to have significance as a surname. *Six Continents*, 2022 TTAB LEXIS 35, at *17; *Tapio*, 2020 TTAB LEXIS 483, at *39 (“Evidence that a term has the structure and pronunciation of a surname may corroborate a finding that the primary significance of the term is that of a surname.”).

The Examining Attorney provided evidence including listings of other surnames that start with GOL or end with IA. Applicant argues that the record does not reflect names used in the United States, lacks “‘objective evidence’ of any purported similarity with other common surnames,” and ultimately fails to show that GOLIA has “the structure, pronunciation, and appearance of a typical American surname.”³⁸ The Examining Attorney responds that “GOLIA” is similar to other known surnames in the United States and has linguistic patterns generally recognized as parts of surnames.³⁹

The Examining Attorney's evidence includes the DICTIONARY OF AMERICAN SURNAMES⁴⁰ and U.S. Census Data,⁴¹ both of which reflect use in the United States. The DICTIONARY OF AMERICAN FAMILY NAMES includes many names that start with

³⁸ 6 TTABVUE 15-16.

³⁹ 8 TTABVUE 9.

⁴⁰ August 25, 2025 Denial of Request for Reconsideration, TSDR 72-80.

⁴¹ *Id.* at 51-85.

GOL, including a number that, like GOLIA, consist of five letters.⁴² U.S. Census Data from 2010 shows a number of relatively common surnames that end in IA.⁴³ Other evidence, while not necessarily reflecting current use in the United States, indicates that the suffix -IA appears in Italian surnames and was historically used in certain Christian and some Jewish surnames.⁴⁴

There is also evidence of a number of surnames in use in the United States that differ from GOLIA by only one letter. These include GOLIAS, GOLAS, GOLIO, GOLIE and GOLGA⁴⁵ as well as GOLAB, GOLAN, GOLAY, GOLBA, GOLDA, GOLIC, GOLIK, GOLIN, GOLIS and GOLLA.⁴⁶

As noted by Applicant, we have stated that “[t]he mere sharing of a prefix, suffix or letter string does not result in the sort of structural similarity that is helpful to our analysis.” *Adlon*, 2016 TTAB LEXIS 526, at *26.⁴⁷ But there is no minimum amount

⁴² See *id.* at 72-83.

⁴³ See *id.* at 52-71 (U.S. 2010 Census data).

⁴⁴ See April 2, 2025 Final Office Action, BYU Script Tutorial 83-88 (listing of Italian surnames starting with the letter G includes over a dozen that end in -IA); 109, 114-15 (GENEALOGY article titled “Surnames of Georgian Jews: Historical and Linguistic Aspects”).

⁴⁵ See November 13, 2024 Non-final Office Action, TSDR 13 (Forebears website printout).

⁴⁶ See August 25, 2025 Denial of Request for Reconsideration, TSDR 73-74, 80, 82 (DICTIONARY OF AMERICAN FAMILY NAMES).

⁴⁷ 6 TTABVUE 15-16. In support of this proposition Applicant cites *In re Carlo Ferrara SA*, No. 79162222, 2017 TTAB LEXIS 305, a non-precedential case, without disclosing its non-precedential nature. Applicant did the same with other cases in both its main and reply briefs. See, e.g., 6 TTABVUE 10, 15, 9 TTABVUE 5-7, 9 (citing *In re Suphachatwong Innovation Co.*, No. 86516441, 2016 TTAB LEXIS 565, and *In re Majestic Gifts Inc.*, No. 88682492, 2021 TTAB LEXIS 599). Citation of non-precedential decisions is not encouraged because such decisions are not binding on the Board and, when cited, such cases “must be clearly identified as nonprecedential.” TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE §§ 101.03, 101.03(a)(2) (2025); see also *id.* § 1203.02(f).

of evidence required when assessing whether a proposed mark has the structure and pronunciation of a surname, which is a “decidedly subjective” inquiry. *Benthin*, 1995 TTAB LEXIS 10, at *2. Here, we have multiple examples of other surnames that share the GOL- prefix or the -IA suffix as well as examples of surnames that differ by only one letter. In particular, on their face names such as GOLIAS, GOLIO, GOLIS and GOLLA are quite similar to GOLIA. Although the individual names may not be common ones when viewed in isolation and there is no direct evidence of consumer perception, collectively the evidence shows that consumers encounter other surnames with similar structure and pronunciation to GOLIA. On this record, we find that the structure and pronunciation of GOLIA is similar to that of a surname, which supports a finding that the primary significance of GOLIA is as a surname.

III. Conclusion

After careful consideration of the record and all of the arguments, we find that the record, taken as a whole, establishes that the primary significance of GOLIA to the purchasing public is that of a surname, and GOLIA is primarily merely a surname within the meaning of Section 2(e)(4) of the Trademark Act. Although Applicant argues that any doubts should be resolved in its favor, the record leaves us with no doubt.

Decision:

The refusal to register Applicant’s mark is affirmed.