

This Opinion is Not a
Precedent of the TTAB

Mailed: August 11, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Kretek International, Inc.

Serial No. 98478188

Joel R. Feldman of Greenberg Traurig, LLP,
for Kretek International, Inc.

Dannean Hetzel, Trademark Examining Attorney, Law Office 106,
Mary Sparrow, Managing Attorney.

Before Lykos, Pologeorgis and Stanley,
Administrative Trademark Judges.

Opinion by Lykos, Administrative Trademark Judge:

Kretek International, Inc. (“Applicant”) seeks to register the mark ROUNDS in standard characters on the Principal Register for “cigars” in International Class 34.¹

¹ Application Serial No. 98478188, filed on April 1, 2024 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), alleging a bona fide intent to use the mark in commerce.

Page references to the application record refer to the online database of the USPTO’s Trademark Status & Document Retrieval (“TSDR”) system in Portable Document Format (“PDF”). References to the briefs on appeal refer to the Board’s TTABVUE docket system.

This opinion cites decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals by the pages on which they appear in the Federal Reporter (e.g., F.2d, F.3d, or F.4th). For Board decisions, this opinion uses citations to the Lexis® legal database, as well as the TTABVUE proceeding number, where available. *See*

The Trademark Examining Attorney refused registration on the ground that the mark is merely descriptive of the identified goods under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1). Following issuance of a final refusal, Applicant filed a notice of appeal and request for reconsideration which was denied.²

The appeal is fully briefed. For the reasons set forth below, we affirm the refusal to register.

I. Mere Descriptiveness – Applicable Law

In the absence of acquired distinctiveness, Section 2(e)(1) of the Trademark Act prohibits registration of a mark on the Principal Register that, when used in connection with an applicant's goods, is merely descriptive of them. 15 U.S.C. § 1052(e)(1). A term is merely descriptive if it immediately conveys knowledge of an

TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") § 101.03(a)(2) (2026).

² Applicant's July 24, 2025 Request for Reconsideration consisted of over 560 pages of evidence with no argumentation. This prompted the Examining Attorney to request that Applicant submit an index explaining the relevance of the evidence under Trademark Rule 2.61(b), 37 C.F.R. 2.61(b). Applicant declined, couching the Examining Attorney's request as a "dilatory homework assignment" in strikethrough. August 19, 2025 Response to Office Action at TSDR 5. The Examining Attorney then withdrew the requirement that Applicant submit an index categorizing its evidence in the interest of efficiency. September 19, 2025 Denial of Request for Reconsideration.

For Applicant's edification, in an ex parte appeal, the Board prefers that a request for reconsideration not resemble a notice of reliance from an inter partes proceeding. *Cf. In re Max Cap. Grp. Ltd.*, No. 77186166, 2010 TTAB LEXIS 1, at *10 ("The Board frowns ... upon an applicant ... submitting hundreds of pages of evidence in the hope that as the Board wades through it we will find something that is probative. When [an applicant] believes that it is necessary to submit a significant amount of such material, it is incumbent on the applicant ... to specify in its brief those pieces of evidence that they believe are most persuasive of their respective positions, so that the Board can consider that evidence in particular."). In addition, the Board is of the view that Trademark Rule 2.61(b) afforded the Examining Attorney the discretion to require an index under these circumstances as "reasonably necessary to the proper examination of the application."

ingredient, quality, feature, function, or characteristic of the identified goods. *In re TriVita, Inc.*, 783 F.3d 872, 874 (Fed. Cir. 2015); *see also In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300 (Fed. Cir. 2012) (internal citation omitted). By contrast, a mark is suggestive if it “requires imagination, thought, and perception to arrive at the qualities or characteristics of the goods.” *In re Gyulay*, 820 F.2d 1216, 1218 (Fed. Cir. 1987).

The determination of whether a proposed mark is merely descriptive must be made in relation to the goods for which registration is sought, not in the abstract. *In re Bayer AG*, 488 F.3d 960, 964 (Fed. Cir. 2007). This requires consideration of the context in which the putative mark is used or intended to be used in connection with those goods, and the possible significance that it would have to the average purchaser of the goods in the marketplace. *Id.*; *see also Chamber of Commerce*, 675 F.3d at 1300. The question is not whether someone presented only with the proposed mark could guess the goods listed in the identification, but rather whether someone who knows what the goods are will understand the proposed mark to convey information about them. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254 (Fed. Cir. 2012) (internal citation omitted).

“A mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods [].” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341 (Fed. Cir. 2001)). It is not necessary that a term describes all of the purposes, functions, characteristics, or features of a product to be considered merely descriptive;

it is enough if the term describes one significant function, attribute, or property. *Chamber of Commerce*, 675 F.3d at 1300.

The question of whether a mark is merely descriptive is determined from the viewpoint of the relevant purchasing public. *In re Stereotaxis, Inc.*, 429 F.3d 1039, 1042 (Fed. Cir. 2005). Evidence that a term is merely descriptive to the relevant purchasing public “may be obtained from any competent source, such as dictionaries, newspapers, or surveys,” *Bayer*, 488 F.3d at 964, as well as “labels, packages, or in advertising material directed to the goods.” *In re Abcor Dev. Corp.*, 588 F.2d 811, 812 (CCPA 1978). It may also be obtained from websites and publications. *In re N.C. Lottery*, 866 F.3d 1363, 1367 (Fed. Cir. 2017). In this particular case, the involved application was filed under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), meaning that Applicant has yet to claim use in the United States. Nonetheless, the Examining Attorney is not precluded from introducing or relying upon excerpts from Applicant’s own materials, website, or news articles as evidence of public perception of the mark. *In re Promo Ink*, No. 76541018, 2006 TTAB LEXIS 138, at *4-5 (examining attorney may introduce evidence that applicant’s own literature supports descriptiveness of term despite the fact that application based on intent-to-use under Trademark Act Section 1(b)).

II. Analysis

Applicant has not claimed acquired distinctiveness of its applied-for mark ROUNDS under Trademark Act Section 2(f), 15 U.S.C. § 1052(f). However, the record includes Applicant’s prior registration issued on January 11, 2022 for the mark

CUBAN ROUNDS for “[h]andmade cigars made with a mixture of long-filler and short-filler Cuban seed tobacco.”³ The mark is registered on the Principal Register with a disclaimer of CUBAN as well as a claim of acquired distinctiveness in part as to the word ROUNDS pursuant to Trademark Act Section 2(f). According to the registration certificate:

“ROUNDS” has become distinctive of the goods/services through the applicant’s substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

Applicant contends that its claim of acquired distinctiveness in part for the word ROUNDS within the registered mark CUBAN ROUNDS is “not dispositive and is of minimal persuasive value to a determination of whether ROUNDS is merely descriptive of a quality, feature, or characteristic of cigars at this time and on the record before the Board.”⁴ The case law states otherwise. In *In re Am. Furniture Warehouse CO*, No. 86407531, 2018 TTAB LEXIS 122, at *6-7, the Board explained that a claim of acquired distinctiveness by an applicant to overcome a refusal in a prior registration for the same wording in connection with the same services “can be viewed as a concession by [a]pplicant that the wording itself is not inherently distinctive for those services.” Here the word is the same, and the goods are legally identical because as unrestricted, “cigars” is sufficiently broad to encompass the more specific type of cigars identified in Applicant’s prior registration. *See In re Hughes*

³ See September 19, 2025 Denial of Applicant’s Request for Reconsideration at TSDR 10-11 (printout from TSDR of Registration No. 6610589 accessed on 8/22/2025).

⁴ Applicant’ Brief, p. 17; 6 TTABVUE 18.

Furniture Indus., Inc., No. 85627379, 2015 TTAB LEXIS 65, at *10 (applicant's broadly worded identification of "furniture" necessarily encompasses Registrant's narrowly identified "residential and commercial furniture."). Thus, Applicant's claim of acquired distinctiveness in part as to the word ROUNDS reflected in its prior registration for CUBAN ROUNDS constitutes a concession that its applied-for mark ROUNDS is not inherently distinctive.⁵ On this basis alone, we affirm the Examining Attorney's mere descriptiveness refusal under Section 2(e)(1).

But even if that were not the case, the Examining Attorney has submitted evidence demonstrating that ROUNDS is merely descriptive of "cigars." It is well established that a term describing the shape or form of the identified goods is merely descriptive. *See, e.g., Scanwell Labs., Inc. v. Dep't of Transp., Fed. Aviation Admin.*, 181 F.2d 1385 (CCPA 1973) (V RING is merely descriptive of directional antennas, the primary components of which were shaped in the form of a "v" and a "ring"); *In re Walker Mfg. Co.*, 359 F.2d 474 (CCPA 1966) (CHAMBERED PIPE is merely descriptive of an exhaust system consisting of a series of small tuning chambers); *In re H.U.D.D.L.E.*, No. 211831, 1982 TTAB LEXIS 41, at *3-4 (holding TOOBS merely descriptive of bathroom and kitchen fixtures in the shape of tubes). This line of case law and reasoning applies here.

⁵ To be clear, we do not draw a similar conclusion based on Applicant's pending applications Serial Nos. 87346097 and 87346080 for the standard character and composite marks CUBAN ROUNDS for "Cigar accessories, namely, cigar cutters, cigar lighters, cigar boxes not precious metal, ashtrays and cigar trays." The Examining Attorney urges the Board to deem Applicant's disclaimer of ROUNDS in those applications as an admission in this case that ROUNDS is merely descriptive of cigars. Insofar as the goods differ, we cannot make such an inference.

Applicant posits that the applied-for mark ROUNDS would never be understood or perceived by consumers as the plural of the adjective “round” because consumers would refer to circular objects such as cigars as “round objects,” not “rounds” or “rounds objects.”⁶ The dictionary entries made of record undercut Applicant’s theory. THE MERRIAM-WEBSTER DICTIONARY shows that the word “round” can also function as a noun meaning “something (as a circle, globe, or ring) that is round.”⁷ The online platform WordReference.com also provides a definition of “round” from RANDOM HOUSE LEARNER’S DICTIONARY OF AMERICAN ENGLISH (2025) as a noun defined as “something circular in cross section, as a rung of a ladder or chair.”⁸ Based on the plain meaning of the plural noun “rounds,” we find that Applicant’s mark is merely descriptive because it will immediately convey to consumers a key feature of cigars, namely, their circular cross-sectional shape.⁹ See, e.g., *In re The Place, Inc.*, No. 76436826, 2005 TTAB LEXIS 451, at *4-5 (dictionary definitions established that the mark THE GREATEST BAR for “restaurant and bar services” is merely descriptive because “[i]t immediately informs purchasers that applicant’s restaurant and bar is ‘the greatest,’ i.e., ‘markedly superior in character or quality’ when compared to other restaurants and bars.”).

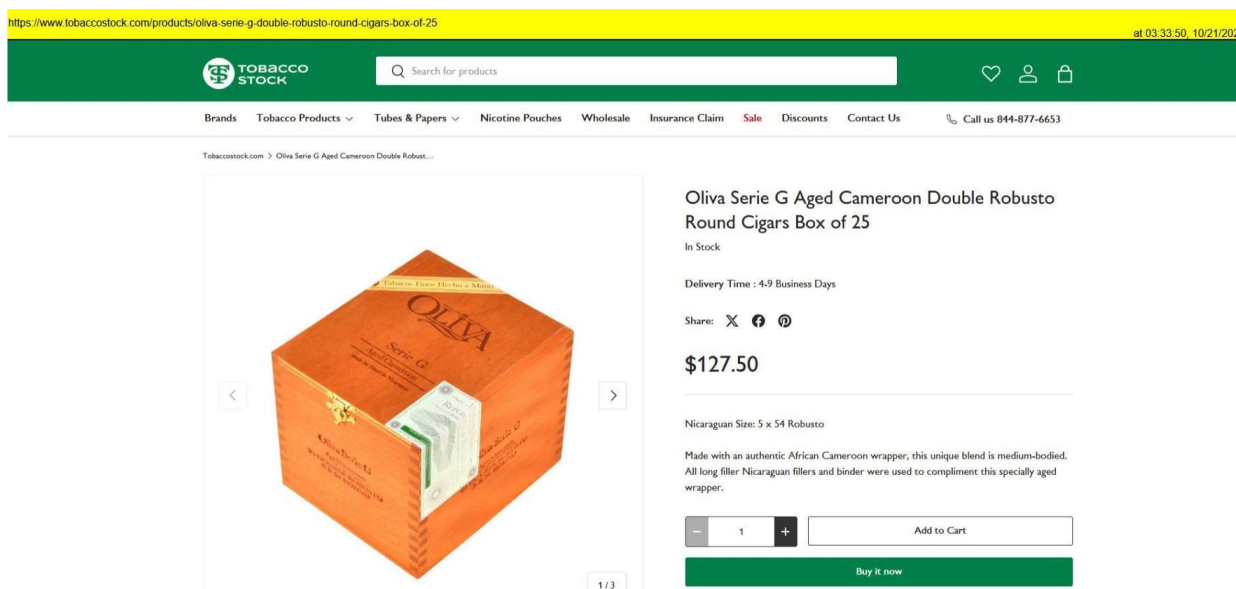
⁶ Applicant’s Brief, p. 6; 6 TTABVUE 7.

⁷ Denial of Request for Reconsideration at TSDR 34 (www.merriam-webster.com accessed on 9/19/2025).

⁸ Denial of Request for Reconsideration at TSDR 16 (wordreference.com accessed on 9/19/2025).

⁹ Applicant misstates the record by incorrectly stating that the Examining Attorney only made of record dictionary definitions from a single dictionary. Applicant’s Reply Brief, p. 2; 3 TTABVUE 11.

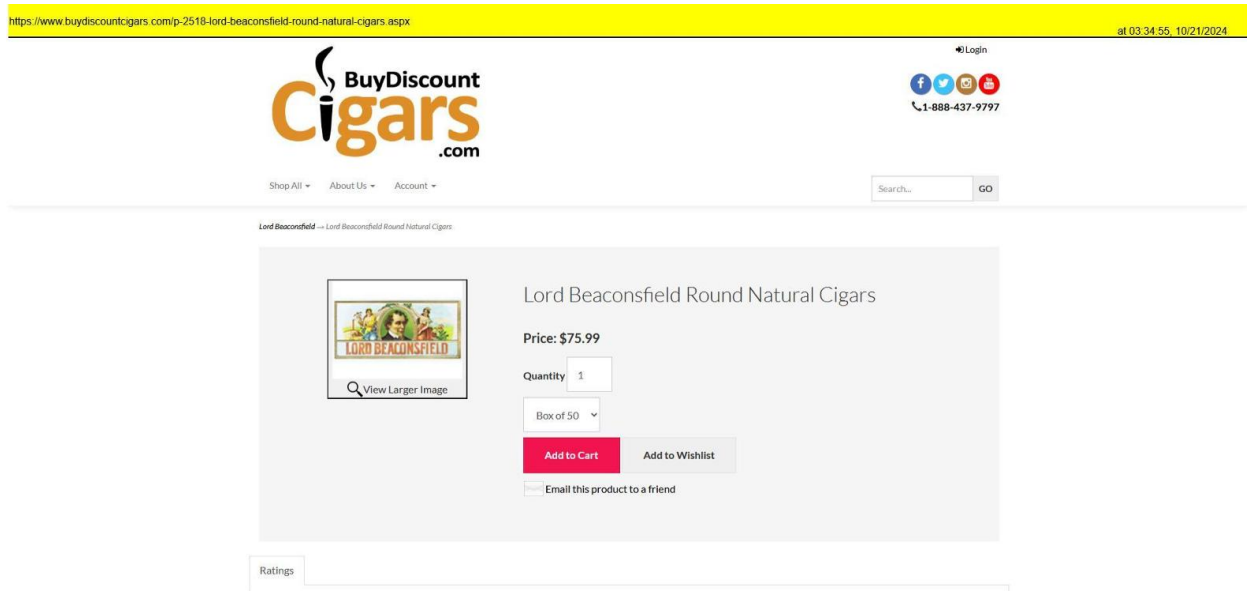
Applicant counters that “information about a cigar’s cylindrical nature does not meet the required vitalness, immediacy, and particularity elements of a merely-descriptive term.”¹⁰ Applicant’s argument is unpersuasive. Within the context of the goods, consumers will immediately understand the plural noun ROUNDS as describing cigars round in shape or circular in cross-section. It is common for cigars to be sold in a round shape and not uncommon for the advertising and packaging to highlight the shape. Tobacco Stock, an online shop of cigars, carries a brand of cigars by Olivia Serie G Aged Cameroon Double Robusto marketed as “Round Cigars” on its website:¹¹



¹⁰ Applicant’s Brief, p. 5; 6 TTABVUE 6.

¹¹ October 21, 2024 Office Action at TSDR 41 (printout from www.tobaccostock.com accessed on 10/21/2024).

Likewise, BuyDiscount Cigars.com offers for sale “Round Natural Cigars” by the brand Lord Beaconsfield:¹²



The evidence further shows that consumers may specifically shop for cigars designated as “round” for their unique qualities. Cigars are sold in different shapes such as rounded or squared and consumers are well aware of the differences and attune to making distinctions.¹³ Cigar aficionados often praise round cigars for “their smooth, even draw” and “cylindrical shape” allowing “for consistent airflow, making it easier to smoke.”¹⁴ Many prefer the “classic look and feel” of rounded shape cigars

¹² October 21, 2024 Office Action at TSDR 46 (printout from www.buydiscountcigars.com accessed on 10/21/2024).

¹³ October 21, 2024 Office Action at TSDR 48 (printout from www.cigarcountry.com accessed on 10/21/2024) (“When you get into cigars, you will discover numerous shapes.”).

¹⁴ October 21, 2024 Office Action at TSDR 6 (blog article entitled “Box-Pressed v. Rounded Cigars” posted on Cigar Chief cigarchief.com on September 30, 2024, accessed on 10/21/2024). The blog is posted on a Canadian e-commerce website. Applicant objects to the blog post because “the Trademark Attorney has not shown why U.S. consumers of cigars, a common recreational indulgence in the U.S., are likely to search for and be exposed to websites of cigar e-commerce websites located in Canada ..., nor has the Trademark Attorney shown that [this] foreign website[] reflect[s] the perception of U.S. consumers.” Applicant’s Reply Brief, p. 2;

as compared to box-pressed cigars because they are “more natural to hold and smoke.”¹⁵ In comparison to box-pressed cigars, the “consistent airflow and quicker burn” of round cigars “can lead to a more immediate flavor burst.”¹⁶ Taken together, this evidence undermines Applicant’s position that ROUNDS does not identify a key feature of cigars since cigar shape is one of the crucial features cigar smokers look to when making a purchasing decision. *See, e.g., In re Promo Ink*, 2006 TTAB LEXIS 138, at *9 (The Internet evidence shows that a significant feature of the services involves discounts for parties.”).

Evidence in the record of third-party marketplace use of the term “rounds” to refer to cigar shape further bolsters our finding. Our decision in *In Levi Strauss & Co. v. Plushbottom & Peabody, Ltd.*, 1981 TTAB LEXIS 94 presents an illustration where an industry adopted a pluralized version of an adjective to describe a product. In *Levi Strauss*, the Board found that the mark STRAIGHTS was merely descriptive of straight legged jeans based on the opposer’s and a single third-party’s use of the term “straights” to “describe a specific silhouette of the leg of the garment, namely that the leg has a straight-line silhouette in contrast to a flare or bell bottom design.” *Id.* at

11 TTABVUE 3. Although the website is Canadian, it is in English, is located at the top-level domain (“TLD”) “.com” for e-commerce sites as opposed to the country TLD, and involves consumer goods sold online. It therefore may be encountered by U.S. consumers. *See In re Well Living Lab Inc.*, No. 86440401, 2017 TTAB LEXIS 156, at *12 n.10 (“We find the websites of the Canadian companies here are probative of U.S. consumer understanding of the term ‘well living’ in relation to Applicant’s services. The websites are in English, are located at ‘.com’ TLDs, and involve services that promote health and wellness.”), *aff’d*, 749 F. App’x 987 (Fed. Cir. 2018).

¹⁵ October 21, 2024 Office Action at TSDR 6.

¹⁶ October 21, 2024 Office Action at TSDR 6.

*3-4. Similarly, competitors in the cigar industry use “rounds” to denote cigars cylindrical in shape. ZealCigars (zealkings.com) a U.S. online cigar shop offers Kings Envy branded Rounds, cigars that are round in shape:¹⁷

King's Envy Rounds



King's Envy Rounds

★★★★★ 8 Reviews

Select Option

Robusto Round - Single \$5.50

\$5.50

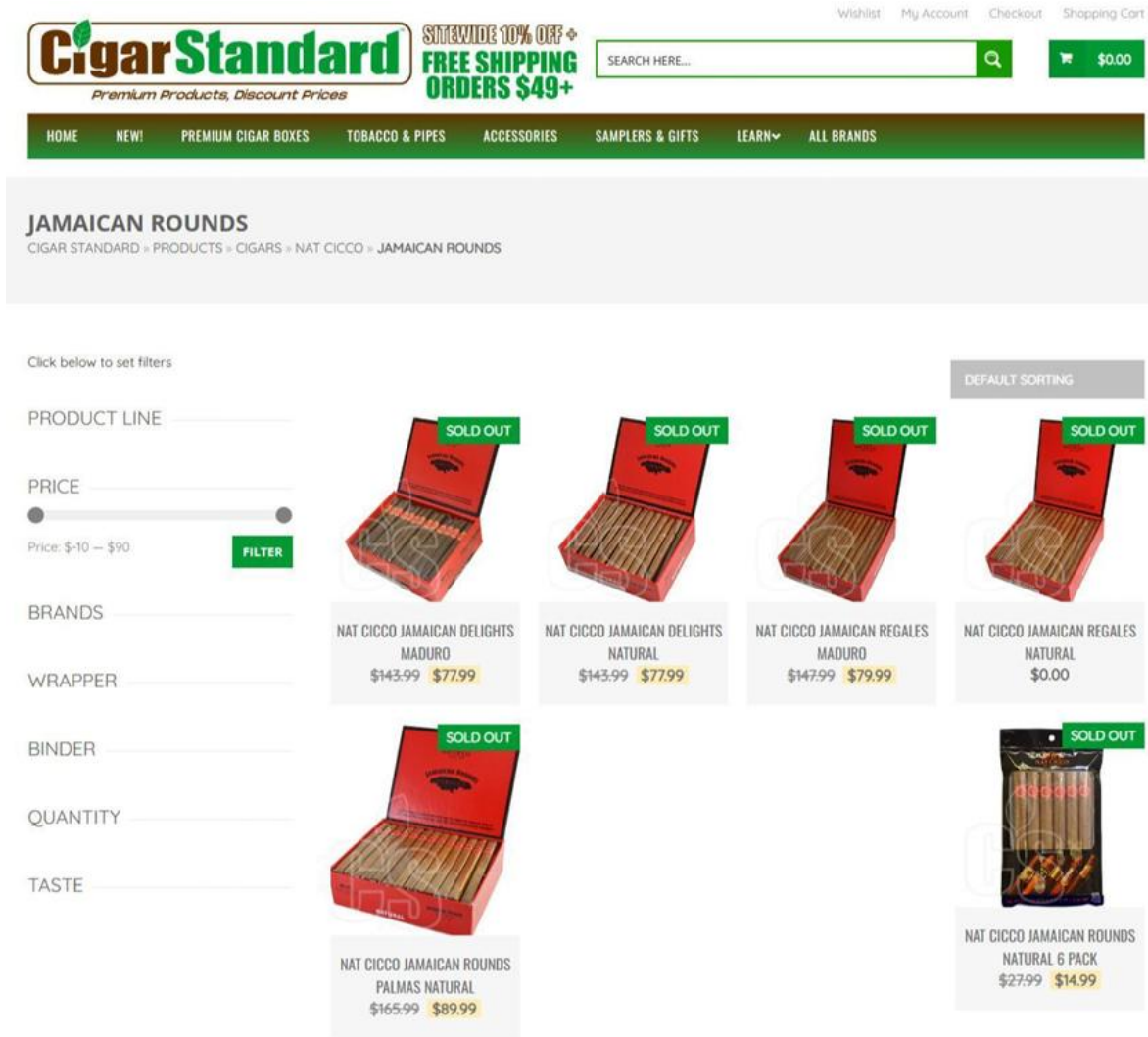
1

ADD TO CART

Another U.S. online cigar retailer, Cigar Standard (cigarstandard.com) offers Nat Ciccio branded “Jamaican Rounds,” cigars that are cylindrical in shape with a round cross-section:¹⁸

¹⁷ October 21, 2024 Office Action at TSDR 39.

¹⁸ October 21, 2024 Office Action at TSDR 36 (accessed on 10/21/2024). Applicant’s criticism that this printout lacks probative value because it shows that the cigars are sold out is unavailing. The screen capture indicates that they are merely out of stock, not that they have discontinued to offer them for sale.



Moore Liquor located in Moore, Oklahoma advertises on its website that it offers for sale tobacco products including “P & K Cuban Rounds Robusto Natural Cigars.”¹⁹

¹⁹ April 24, 2025 Final Office Action at TSDR 45. Applicant speculates that Moore Liquor may be a third-party seller of Applicant’s own CUBAN ROUNDS cigars under its Phillips & King Division and should therefore be given no weight. Applicant’s Brief, p. 12; 6 TTABVUE 13. Even if we discount this single website, the dictionary definitions showing “rounds” in common parlance coupled with the remaining website evidence suffice to establish mere descriptiveness of Applicant’s applied-for mark.

This constitutes another merely descriptive use of “rounds” in the marketplace in connection with cigars.²⁰

Applicant criticizes the number of third-party uses as insufficient to make a prima facie case of mere descriptiveness. But we have a similar quantum of third-party marketplace examples in this case as in *Levi Strauss*. This evidence also undermines Applicant’s assertion that ROUNDS “is nonsensical as a plural adjective.”²¹ Even a pluralized adjective can become a merely descriptive term in an industry.

Alternatively, Applicant contends that ROUNDS is not merely descriptive because it is a double entendre referring to “the types of activities commonly performed or played in ‘rounds, such as rounds of golf, rounds of drinks, or rounds of shooting or ammunition.”²² In support, Applicant made of record advertisements and social media posts from the platform Instagram showing each of these activities is commonly associated with smoking cigars.²³

²⁰ We sustain the Applicant’s objection to the screen capture from Bevy’s submitted by the Examining Attorney with its Final Office Action. *See* April 24, 2025 Office Action at TSDR 43-44. The screen capture omits the URL and access date and therefore has been given no consideration. *See In re I-Coat Co., LLC*, No. 86802467, 2018 TTAB LEXIS 171, at *8 (“[T]o properly make such website evidence of record, a trademark examining attorney must include the URL and the date when the material was accessed, and that if an examining attorney fails to do so, and the applicant objects, the material will not be considered.”).

²¹ Applicant’s Brief, p. 14; 6 TTABVUE 15. Similarly, Applicant argues that its mark is suggestive because the evidence shows that ROUNDS will bring to the minds of consumers other activities associated with cigar smoking such as rounds of golf, rounds of drinks and rounds of shooting. Applicant’s argument reflects a misunderstanding of the distinction between suggestive and merely descriptive marks. When considered in relation to the goods, *Bayer*, 488 F.3d at 964, no multistage reasoning or imagination is required for a consumer to discern that Applicant’s cigars are round in shape. *See Gyulay*, 820 F.2d at 1218 (explaining suggestiveness).

²² Applicant’s Brief, p. 7; 6 TTABVUE 8.

²³ *See, e.g.*, April 21, 2025 Response to Office Action at TSDR 148 (“Fairways, cigars, and good company – Cuban Rounds make every golf day complete.”), 149 (“Can’t have one without the

We are skeptical that prospective consumers would attribute any of these meanings to Applicant's mark. In evaluating whether a mark is a double entendre and therefore not merely descriptive, we note the Board's guidance in *In re The Place Inc.*, 2005 TTAB LEXIS 451, at *9-13:

"Double entendre" is defined as "ambiguity of meaning arising from language that lends itself to more than one interpretation." *Webster's Third New International Dictionary* (1993) at p. 678. As stated in TMEP § 1213.05(c), "A 'double entendre' is a word or expression capable of more than one interpretation. For trademark purposes, a 'double entendre' is an expression that has a double connotation or significance as applied to the goods or services. ... The multiple interpretations that make an expression a 'double entendre' must be associations that the public would make fairly readily."

A mark thus is deemed to be a double entendre only if both meanings are readily apparent from the mark itself. If the alleged second meaning of the mark is apparent to purchasers only after they view the mark in the context of the applicant's trade dress, advertising materials or other matter separate from the mark itself, then the mark is not a double entendre. See *In re Wells Fargo & Company*, 231 USPQ 95 (TTAB 1986). ...

A mark is not a double entendre if the second meaning is grasped by purchasers only when the mark is used with "other indicia," even if that other indicia is itself not merely descriptive.

Emphasis added. Applicant's own marketing strategy and advertisements and those of its competitors do not render its mark ROUNDS a double entendre. *See id.* The multiple interpretations that make a proposed mark a double entendre must be

other" picturing a cigar and a golf ball."), 175 ("You ever fire a round with a Cuban Rounds?" picturing a gun and a cigar), 176 ("What is your favorite pairing when you smoke?" picturing a shot of rum with a cigar).

“readily apparent from the mark itself” and not “other indicia.” *Id. Compare In re Colonial Stores Inc.*, 394 F.2d 549, 551-52 (CCPA 1968) (SUGAR & SPICE not merely descriptive for bakery products; “[t]he immediate impression evoked by the mark may well be to stimulate an association of “sugar and spice” with [the nursery rhyme] “everything nice”) with *In re Yarnell Ice Cream, LLC*, No. 86824279, 2019 TTAB LEXIS 208 at *24 (finding SCOOP for ice cream, which merely described the serving size of the goods, did not present a double entendre because “[i]n the context of the goods identified in the application, the applied-for mark describes a serving size, not hot news”; television and social media marketing cannot establish double entendre). Consumers are far more likely to understand ROUNDS as referring to a characteristic of the goods, such as their shape and cross-sectional diameter, rather than as an allusion to a round of golf, round of ammunition or round of drinks. Here, the alternate meanings are too attenuated based on the mark itself. The record summarized above shows that “rounds” in relation to cigars is not a unique, clever play on words but is instead part of the cigar industry’s lexicon. Without additional wording in the mark itself, consumers will not recognize the proposed mark ROUNDS as having this incongruous meaning in relation to cigars. *Compare In re Tennis in the Round Inc.*, 1978 TTAB LEXIS 44, at *5-6 (TENNIS IN THE ROUND held not merely descriptive for providing tennis facilities because the association of applicant’s mark with the phrase “theater-in-the-round” created an incongruity since applicant’s tennis facilities are not analogous to those used in a “theater-in-the-round”).

Lastly, we address Applicant's negative evidence from several cigar glossaries, that do not include an entry for "round" or "rounds." Applicant asserts that "[i]f 'round' had an established, trade-recognized meaning among cigar consumers comparable to 'box pressed,' as the Trademark Attorney contends, it would be reflected in these glossaries."²⁴ We disagree. Terms of art in any particular industry are not static but evolve.

In sum, Applicant's proposed mark ROUNDS immediately conveys, without conjecture or speculation, the shape and a key attribute of Applicant's cigars.

III. Conclusion

Applicant's claim of acquired distinctiveness under Section 2(f) in part as to the word ROUNDS in its prior registration for the mark CUBAN ROUNDS for "[h]andmade cigars made with a mixture of long-filler and short-filler Cuban seed tobacco" constitutes a concession that its applied-for mark ROUNDS for "cigars" is not inherently distinctive.

And even without Applicant's concession, the evidence discussed above demonstrates that the proposed mark ROUNDS when considered as a whole, immediately conveys that Applicant's cigars are cylindrical in shape. No imagination or thought is required by prospective consumers to discern the nature of Applicant's goods. To the contrary, to purchasers encountering Applicant's cigars, Applicant's proposed mark ROUNDS immediately conveys, without conjecture or speculation, a key attribute of Applicant's goods.

²⁴ Applicant's Reply Brief, p. 5; 11 TTABVue 6.

Competitors in the cigar industry should be free to use this merely descriptive designation when describing their own cylindrical shaped cigars in advertising and marketing materials. *See In re Styleclick.com Inc.*, No. 75459912, 2001 TTAB LEXIS 127, at *15 (“The intent of Section 2(e)(1) is to protect the competitive needs of others ...”). We therefore find and have no doubt that Applicant’s proposed mark is merely descriptive of the identified goods and ineligible for registration on the Principal Register in the absence of a showing of acquired distinctiveness under Section 2(f) of the Trademark Act.

Decision: The mere descriptiveness refusal under Section 2(e)(1) of the Trademark Act is affirmed.