

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: July 24, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Natural Bridge Caverns, Inc.

Serial Nos. 97438479, 97438507, 97546721 & 97546743

Edward B. Marvin of Jackson Walker LLP,
for Natural Bridge Caverns, Inc.

Danielle Anderson, Trademark Examining Attorney, Law Office 113,¹
Myriah Habeeb, Managing Attorney.

Before Goodman, Stanley, and Lavache,
Administrative Trademark Judges.

Opinion by Lavache, Administrative Trademark Judge:

Applicant Natural Bridge Caverns, Inc. filed four applications seeking registration on the Principal Register of the proposed standard-character mark NATURAL BRIDGE CAVERNS for the following services:

¹ The applications were reassigned from the original examining attorney to the above-named examining attorney during prosecution. In this opinion, we refer to both examining attorneys involved with the applications as the Examining Attorney.

Rental of cabins, in International Class 36;²

Provision of recreational vehicle parking facilities, in International Class 39;³

Entertainment services, namely, arranging and conducting special events at a theme park; rental of theme park facilities for special events, in International Class 41;⁴ and

Providing campground facilities and rental of temporary accommodations;⁵ providing social meeting, banquet and social function facilities,⁶ in International Class 43.

In all four applications, the Trademark Examining Attorney refused registration of the proposed mark under Trademark Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1), on the ground that it is merely descriptive of Applicant's identified services. After the Examining Attorney issued a final refusal under Section 2(e)(1) in all the applications, Applicant appealed and moved to consolidate the applications⁷ for

² Application Serial No. 97438479, filed June 1, 2022, based on an allegation of a bona fide intention to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. § 1051(b).

³ Application Serial No. 97438507, filed June 1, 2022, based on an allegation of a bona fide intention to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. § 1051(b).

⁴ Application Serial No. 97546743, filed August 12, 2022, based on an allegation of use in commerce under Trademark Act Section 1(a), 15 U.S.C. § 1051(a), claiming 1964 as both the date of first use anywhere and the date of first use in commerce.

⁵ Application Serial No. 97438507. See note 3.

⁶ Application Serial No. 97546721, filed August 12, 2022, based on an allegation of use in commerce under Trademark Act Section 1(a), 15 U.S.C. § 1051(a), claiming 1964 as both the date of first use anywhere and the date of first use in commerce.

⁷ See Motion to Consolidate, 4 TTABVUE.

Unless otherwise noted, the TTABVUE and Trademark Status and Document Retrieval (TSDR) citations in this opinion refer respectively to entries in the Board's electronic docket and to the downloadable pdf. version of the electronic application file for Serial No. 97438479. For TTABVUE citations, the number preceding the TTABVUE designation is the docket

purposes of briefing and final decision on appeal. The Board granted the motion⁸ and the appeal has been fully briefed.⁹ For the reasons explained below, we **affirm** the refusal to register the proposed mark in all four applications.

I. Relevant Law

Section 2(e)(1) of the Trademark Act bars registration of a mark that is merely descriptive when used on or in connection with an applicant's identified services, and the mark has not otherwise acquired distinctiveness. *See* 15 U.S.C. §§ 1052(e)(1), 1052(f). A term is merely descriptive "if it immediately conveys knowledge of a quality, feature, function, or characteristic of the . . . services with which it is used." *In re Chamber of Com. of the U.S.*, 675 F.3d 1297, 1300 (Fed. Cir. 2012) (quoting *In re Bayer AG*, 488 F.3d 960, 963 (Fed. Cir. 2007)); *see also In re TriVita, Inc.*, 783 F.3d 872, 874 (Fed. Cir. 2015).

entry number and any numbers following indicate the relevant page numbers within the docket entry.

⁸ *See* Board Order, 5 TTABVUE; TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1214 (2026) ("When an applicant has filed an ex parte appeal to the Board in two or more co-pending applications, and the cases involve common issues of law or fact, the Board, upon request by the applicant or examining attorney or upon its own initiative, may order the consolidation of the appeals for purposes of briefing, oral hearing, and/or final decision.").

⁹ Applicant's Appeal Brief, 7 TTABVUE; Examining Attorney's Brief, 9 TTABVUE; Applicant's Reply Brief, 10 TTABVUE. While Applicant filed a single appeal brief addressing all four applications, the Examining Attorney filed a separate appeal brief for each application, as permitted under Board procedure. *See* TBMP § 1214 ("Although cases consolidated prior to briefing may be presented on the same brief, they do not have to be. The applicant (and/or the examining attorney) may file a different brief in each case if the applicant (and/or the examining attorney) so desires."). Applicant followed suit by filing four separate reply briefs "due to minor variations in the PTO's arguments and the evidence it cites in its . . . Briefs." Applicant's Reply Brief, 12 TTABVUE 2 n.1.

Descriptiveness must be assessed not in the abstract, but “in relation to the goods [or services] for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods [or services] because of the manner of its use or intended use.” *Bayer*, 488 F.3d at 964 (citing *In re Abcor Dev.*, 588 F.2d 811, 813 (CCPA 1978)). Here, we must consider the perception of the average consumers of cabin rentals; RV parking facilities; campground facilities; temporary accommodations; social meeting, banquet and social function facilities; and special events at theme parks.

Evidence of the relevant purchasers’ understanding of a term or phrase in connection with particular services “may be obtained from any competent source, such as purchaser testimony, consumer surveys, listings in dictionaries, trade journals, newspapers[,] and other publications.” *Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 974 (Fed. Cir. 2018) (quoting *Royal Crown Co. v. Coca-Cola Co.*, 892 F.3d 1358, 1366 (Fed. Cir. 2018)). “These sources may include [w]ebsites, publications and use . . . ‘in advertising materials directed to the goods [or services].” *In re N.C. Lottery*, 866 F.3d 1363, 1368 (Fed. Cir. 2017) (quoting *Abcor*, 588 F.2d at 814). Evidence of an applicant’s own usage beyond those noted above may also be considered when determining descriptiveness. See *In re Omniome, Inc.*, No. 87661190, 2019 TTAB LEXIS 414, at *14.

II. Analysis

With a proposed mark like NATURAL BRIDGE CAVERNS, we first consider the meaning of the mark’s component terms and then determine whether the proposed mark, as a whole, is merely descriptive. *DuoProSS Meditech Corp. v. Inviro Med.*

Devices Ltd., 695 F.3d 1247, 1255 (Fed. Cir. 2012). That is, we assess whether the combination of component terms in the mark “conveys any distinctive source-identifying impression contrary to the descriptiveness of the individual parts.” *In re Fat Boys Water Sports LLC*, No. 86490930, 2016 TTAB LEXIS 150, at *14-15 (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1175 (Fed. Cir. 2003)). 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.” *Fat Boys*, 2016 TTAB LEXIS 150, at *15 (citing *In re Tower Tech., Inc.*, No. 75709532, 2002 TTAB LEXIS 300, at *10).

As to the component terms here, the Examining Attorney has submitted dictionary evidence indicating that a “natural bridge” is “a rock formation in which the central bottom part has been completely eroded away, leaving a structure that looks like a bridge,”¹⁰ and that a “cavern” is a “cave,”¹¹ which, in turn, is defined as “a natural chamber or series of chambers in the earth or in the side of a hill or cliff.”¹²

The record also includes the following excerpts from third-party websites using the term “natural bridge” to refer to a type of natural rock formation:

- An article in the online version of the Columbia Daily Tribune (columbiatribune.com) describes the “**natural bridges** . . . of Missouri” and explains that the “massive formations” “might be the

¹⁰ September 4, 2024 Nonfinal Office Action at TSDR 7 (excerpt from online version of MERRIAM-WEBSTER DICTIONARY).

¹¹ *Id.* at 29 (excerpt from online version of MERRIAM-WEBSTER DICTIONARY).

¹² April 15, 2025 Subsequent Final Office Action at TSDR 150 (excerpt from online version of MERRIAM-WEBSTER DICTIONARY).

remains of a cave that collapsed, with only a portion of the ceiling still standing.”¹³

- A webpage on the U.S. Forest Service website (fs.usda.gov) notes that “among the many natural features of the Ozark Natural Forest is the huge stone arch that forms a **natural bridge** at Alum Cove National Recreation Trail” and that the “natural arch is all that remains of what was a quartz sandstone cave.”¹⁴
- The Muddy Camper website (muddycamper.com) lists a “Natural Bridges Attraction” in Washington, which is a “unique natural attraction featuring a collapsed lava tube that has left behind two **natural bridges** and several small cave openings.”¹⁵
- A document on mexicancaves.org describes “La Cueva de las Quilas (The Cave of the Parrots)” in Ciudad Valles, Mexico, where one “will find a cavern with a **natural bridge**.”¹⁶
- The website for the Courtwood Inn (courtwoodinn.com) advertises the “**Natural Bridges** in Calaveras County,” California, where one will “find water flowing out of a vast cave carved into the ground . . . a **natural bridge**,” along with “magical rock formations and mesmerizing, colorful caverns.”¹⁷
- The Kentucky Hiker Project website (kentuckyhiker.org) includes an entry for the Carter Caves **Natural Bridge** with photos of a large bridge-like rock formation, which is described as “the only **natural bridge** in Kentucky with an active roadway in use above it.”¹⁸

Other evidence of record shows the term “caverns” being used to refer to cave systems. For example:

- The website for the Raccoon Mountain Caverns & Campground (raccoonmountain.com) advertises “Tennessee’s Highest-Rated

¹³ *Id.* at 14-19 (emphasis added).

¹⁴ *Id.* at 69 (emphasis added).

¹⁵ *Id.* at 72-73 (emphasis added).

¹⁶ *Id.* at 79-80 (emphasis added).

¹⁷ *Id.* at 87-88 (emphasis added).

¹⁸ *Id.* at 139-143 (emphasis added).

Cave Tour,” which features “**caverns** [that] boast an incredibly well-preserved landscape with countless natural formations” and “one of the most geologically active **caverns** in the south.”¹⁹

- The website for Dixie Caverns (dixiecaverns.com) in Salem, Virginia uses “cave tours” and “**cavern** tours” interchangeably and includes photos of caves featured in the cavern tours.²⁰
- The website for the Endless Caverns Resort (endlesscaverns.com) in Newmarket, Virginia advertises its “**cavern** tours” with a photo of a cave environment, noting that “[o]ur caverns have been thrilling visitors with underground treasures for generations” and indicating that “[f]riendly and experienced **cavern** guides will bring you through six miles of this subterranean masterpiece.”²¹
- The website smokehole.com includes information about “**Cavern** Tours” of the Smoke Hole **Caverns**, which “provide visitors with a peek into the scenery below the surface” and includes various photos of the cave environment inside the caverns.²²

Based on the record, we find that NATURAL BRIDGE describes a naturally occurring bridge-like rock formation and CAVERNS describes a system of subterranean chambers, i.e., caves. And, when these terms are combined, the resulting combination, NATURAL BRIDGE CAVERNS, connotes a cave system featuring a naturally occurring rock formation with a bridge-like structure.

Again, however, we must consider this connotation not in the abstract but based on the relevant consumers’ understanding of the term as used in connection with Applicant’s identified services. *See Bayer*, 488 F.3d at 964. That is, “we must assume that prospective consumers will encounter the term in relation to the identified

¹⁹ *Id.* at 55 (emphasis added).

²⁰ *Id.* at 59-61 (emphasis added).

²¹ *Id.* at 101-104 (emphasis added).

²² *Id.* at 162-165 (emphasis added).

services and determine whether those consumers will understand the term to convey information about the services.” *Grand Canyon West Ranch, LLC v. Hualapai Tribe*, No. 91162008, 2008 TTAB LEXIS 33, at *11.

To reiterate, the services here are:

Rental of cabins, in International Class 36;

Provision of recreational vehicle parking facilities, in International Class 39;

Entertainment services, namely, arranging and conducting special events at a theme park; rental of theme park facilities for special events, in International Class 41; and

Providing campground facilities and rental of temporary accommodations; providing social meeting, banquet and social function facilities, in International Class 43.

The Examining Attorney asserts that NATURAL BRIDGE CAVERNS is merely descriptive of these services because the phrase describes a key aspect or characteristic of them, namely, that they are provided in connection with an attraction consisting of a cave system featuring a naturally occurring bridge-like rock formation.²³

²³ Examining Attorney’s Brief, 9 TTABVUE 10. The Examining Attorney also asserts that Applicant “has already conceded that [NATURAL BRIDGE CAVERNS] is not inherently distinctive because the records in Applicant’s prior registrations show that Applicant “claimed acquired distinctiveness under Trademark Act Section 2(f) [15 U.S.C. § 1052(f)] unconditionally and not in the alternative.” *Id.* at 12. However, we have not treated these prior Section 2(f) claims, which applied to different goods and services, as a concession that the proposed mark is not inherently distinctive as to the identified services in the instant applications. *Cf. In re Am. Furniture Warehouse CO*, No. 86407531, 2018 TTAB LEXIS 122, at *6-7 (noting that a Section 2(f) claim in a prior registration could be viewed as a concession that the proposed mark lacked inherent distinctiveness where the services in the prior registration included those identified in the subject application).

In support, the Examining Attorney points to Applicant's own website indicating that "Natural Bridge Caverns is one of the world's premier show caverns" with an "amazing 60-foot limestone bridge."²⁴ The Examining Attorney also relies on Applicant's responses to a request for information,²⁵ indicating that:

- Applicant's "property contains a rock formation in which the central bottom part has been eroded away, leaving a structure that looks like a bridge."
- "Applicant anticipates it will likely offer recreational vehicle parking facilities, campground facilities, and cabins for rent on the same property where Applicant's NATURAL BRIDGE CAVERNS theme park operates and where the cave system named by Applicant's founder (*i.e.*, NATURAL BRIDGES CAVERNS) is located."
- "Applicant anticipates its recreational vehicle parking facilities, campground facilities, and cabin rentals will be marketed to consumers interested in viewing large caves and, more specifically, to those who may be interested in visiting Applicant's NATURAL BRIDGE CAVERNS theme park and viewing the NATURAL BRIDGE CAVERNS cave system" ²⁶
- Applicant's social meeting, banquet and social function facilities, and theme park special event services "sometimes take place inside a room within the NATURAL BRIDGE CAVERNS cave system" or "in proximity to" "a rock formation in which the central bottom part has been eroded away, leaving a structure that looks like a bridge." ²⁷
- The typical consumer of Applicant's social meeting, banquet and social function facilities, and theme park special event services, "is

²⁴ September 4, 2024 Nonfinal Office Action at TSDR 22-23.

²⁵ See Examining Attorney's Brief, 9 TTABVUE 3.

²⁶ March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97438479, at TSDR 10-12; March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97438507, at TSDR 10-13.

²⁷ March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97546721 at TSDR 11; March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97546743, at TSDR 11.

any consumer looking to hold a group event at Applicant's NATURAL BRIDGE CAVERNS theme park.”²⁸

The record also contains evidence showing that it is common for cabin rentals, temporary accommodations, campground facilities, RV parking facilities, social function facilities, and special events to be offered in connection with, or near, cavern and natural bridge attractions. For instance:

- Kartchner Caverns State Park, advertised on azstateparks.com, offers cave tours and cabin rentals.²⁹
- Jellystone Park at Natural Bridge, advertised on sunoutdoors.com, offers campgrounds and RV parking near the Natural Bridge Caverns in Virginia.³⁰
- Raccoon Mountain Caverns & Campground (raccoonmountain.com) offers cave tours, cabin rentals, temporary accommodations, campgrounds, and RV parking.³¹
- Dixie Caverns (dixiecaverns.com) offers cavern tours, campgrounds, and RV parking.³²
- The Natural Bridges Campground in Utah, listed on recreation.gov, offers campgrounds and RV parking near “three of the largest natural bridges in the United States.”³³
- The Natural Bridges attraction in Washington, advertised on muddycamper.com, features “two natural bridges and several small cave openings” and is near several campgrounds.³⁴

²⁸ March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97546721, at TSDR 12. March 4, 2025 Response to Nonfinal Office Action, Ser. No. 97546743, at TSDR 12.

²⁹ April 15, 2025 Subsequent Final Office Action at TSDR 10-12.

³⁰ *Id.* at 28-35.

³¹ *Id.* at 53-58.

³² *Id.* at 59-63.

³³ *Id.* at 64-68.

³⁴ *Id.* at 73.

- The Endless Caverns Resort (endlesscaverns.com) offers cavern tours, temporary accommodations, cabin rentals, campgrounds, and RV parking.³⁵
- The Caverns in Tennessee (thecaverns.com) feature a cave system, temporary accommodations, campgrounds, RV parking, special events,³⁶ and private event hosting and facilities.³⁷
- The Cave of the Winds Mountain Park (caveofthewinds.com) features cave tours and special event hosting and facilities.³⁸
- The Shenandoah Caverns (shenandoahcaverns.com) feature cavern tours and private event hosting and facilities.³⁹
- The Luray Caverns (luraycaverns.com) offer cavern tours, private event hosting and facilities, and temporary accommodations.⁴⁰
- The Glenwood Caverns Adventure Park (glenwood-caverns.com) offers cavern tours as well as special events and private event hosting and facilities.⁴¹
- The Wonder World Cave and Adventure Park (wonder-worldpark.com) features cave tours and private event hosting and facilities.⁴²
- The Historic Penn's Cave & Wildlife Park (pennscave.com) offers cave tours and special event hosting and facilities.⁴³

³⁵ *Id.* at 81-85.

³⁶ *Id.* at 114-121.

³⁷ April 15, 2025 Subsequent Final Office Action, Ser. No. 97546743, at TSDR 99-100.

³⁸ *Id.* at 96-97.

³⁹ *Id.* at 105-110.

⁴⁰ *Id.* at 111-117, 119-127.

⁴¹ *Id.* at 151-155.

⁴² *Id.* at 156-164.

⁴³ *Id.* at 165-169, 175-180.

In view of the evidence of record, we agree with the Examining Attorney that “a consumer knowing that applicant’s services are being offered for the purposes of viewing a cavern with a natural bridge will immediately understand the wording NATURAL BRIDGE CAVERNS as conveying information about the services, namely that applicant’s rental cabins[,] [parking facilities, temporary accommodations, campgrounds, social function facilities, and theme-park special event services] are for the purpose of accessing” a cave system featuring a naturally occurring bridge-like rock formation.⁴⁴

In reaching this determination, we have considered Applicant’s contention that the Examining Attorney’s reasoning amounts to an impermissible per se rule—namely, that any service or product Applicant offers from premises where its cavern is located would necessarily be merely descriptive.⁴⁵ We agree that descriptiveness cannot be established by a mechanical rule and “cannot be based on a ‘per se’ rule.” *See Nature’s Way Prods. v. Nature’s Herbs, Inc.*, No. 92016634, 1989 TTAB LEXIS 5, at *11-12. Mere physical proximity of an attraction to an unrelated good or service would not, by itself, necessarily render a term describing the features of that attraction merely descriptive of the good or service. Thus, to paraphrase Applicant’s example,⁴⁶ a term describing a nearby cavern may not immediately convey information about snack foods because the purchasers of these goods would not

⁴⁴ Examining Attorney’s Brief, 9 TTABVUE 10.

⁴⁵ *See* Applicant’s Brief, 7 TTABVUE 20-21; Applicant’s Reply Brief, 12 TTABVUE 3.

⁴⁶ Applicant’s Reply Brief, 12 TTABVUE 3.

necessarily understand the cavern to be a feature, characteristic, or purpose of those goods.

In this case, our determination does not rest on such a *per se* rule, but on the specific relationship between the proposed mark and the particular services identified in each application, as established by this record. The services at issue—cabin rentals, RV parking facilities, campground facilities, temporary accommodations, social meeting and banquet facilities, and theme-park special event services—are not merely co-located with Applicant’s cavern attraction. They are, by Applicant’s own account, offered for the purpose of, or as a means of accessing, that attraction. In Applicant’s own words, these services are “marketed to consumers interested in viewing large caves,” take place “inside a room within the NATURAL BRIDGE CAVERNS cave system” or “in proximity to” its bridge-like rock formation, and are directed to consumers “looking to hold a group event at Applicant’s NATURAL BRIDGE CAVERNS theme park.”⁴⁷ The third-party evidence of record likewise shows that accommodations, campgrounds, parking facilities, event facilities, and similar services are routinely offered specifically to provide access or proximity to cavern and natural-bridge attractions. This record thus establishes a direct nexus between the proposed mark and a feature, characteristic, or fundamental purpose of these services—not a categorical rule that everything offered on Applicant’s premises is descriptive. Where such a nexus is shown, the term is merely descriptive; where it is

⁴⁷ *See supra* notes 26-28 and accompanying text.

absent, it is not. *Cf. Grand Canyon West Ranch*, 2008 TTAB LEXIS 33, at *13-15 (mark describing the “fundamental purpose or object of the identified services”).

For the same reasons, we reject Applicant’s argument that NATURAL BRIDGE CAVERNS cannot be merely descriptive as applied to the identified services because “Applicant does not seek to register [the proposed mark] in connection with cave systems, or cave tours.”⁴⁸ Applicant is correct that we must determine descriptiveness based on the services as they are identified in the application. *See Bayer*, 488 F.3d at 964. However, the wording comprising the proposed mark need not actually appear in the identification of services for us to find mere descriptiveness. It is sufficient that the proposed mark merely describes a feature, characteristic, or purpose of the identified services. *See In re Friends in the West*, No. 74584732, 1997 TTAB LEXIS 213, at *5 (“It is sufficient . . . if the designation or term simply describes one significant attribute of the services.”).

Here, the wording used to identify Applicant’s various services is broad enough to include such services offered in connection with an attraction consisting of a cave system featuring a naturally occurring bridge-like rock formation. *See In re Country Oven, Inc.*, No. 87354443, 2019 TTAB LEXIS 381, at *4 (“Where the identification of services is broad, the Board ‘presume[s] that the services encompass all services of the type identified.’” (quoting *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, No. 76393986, 2015 TTAB LEXIS 176, at *60-61)). Again, Applicant’s own responses to the Examining Attorney’s request for information confirm that Applicant’s services are, in fact,

⁴⁸ Applicant’s Appeal Brief, 7 TTABVUE 14.

provided in connection with such an attraction. Thus, the proposed mark describes a significant aspect or fundamental purpose of the identified services. *Cf., e.g., Grand Canyon West Ranch*, 2008 TTAB LEXIS 33, at *13 (finding GRAND CANYON WEST merely descriptive because it indicated that the “purpose of applicant’s airport, air transportation and other transportation services [was] to bring visitors to the west rim of the Grand Canyon”).⁴⁹

Nonetheless, Applicant asserts that a recent decision of the U.S. Court of Appeals for the Federal Circuit, *In re Bayou Grande Coffee Roasting Co.*, 160 F.4th 1370 (Fed. Cir. 2025), dictates a reversal of the refusal here. In *Bayou Grande*, the Court found that the mark KAHWA cannot be generic or merely descriptive of cafés and coffee shops “[b]ecause there is no record evidence showing any café or coffee shop in the United States has ever sold kahwa,” which is a specific type of green tea. *Id.* at 1376. Applicant thus argues that we cannot find NATURAL BRIDGE CAVERNS to be merely descriptive because “there is no record evidence that others include both a natural bridge and caverns as part of offering the Subject Services.”⁵⁰ This argument is unavailing. In contrast to *Bayou Grande*, the record here contains ample evidence

⁴⁹ We are not convinced by Applicant attempts to distinguish *Grand Canyon West Ranch* from this case. *See* Applicant’s Reply Brief, 12 TTABVUE 7-8. Simply put, we find that the former case is relevant here because it demonstrates, at the very least, that a phrase may be found merely descriptive where the record shows that the phrase describes the “fundamental purpose or object of the identified services.” *Grand Canyon West Ranch*, 2008 TTAB LEXIS 33, at *13. Here, the record establishes that the identified services are offered for the fundamental purpose of providing access or proximity to an attraction consisting of a cave system featuring a naturally occurring bridge-like rock formation, and that the relevant consumers would associate the services with such an attraction.

⁵⁰ Applicant’s Appeal Brief, 7 TTABVUE 15.

that the identified services actually are offered in connection with attractions consisting of, or including, natural bridges or caverns. And *Bayou Grande* does not establish a new legal principle requiring that each piece of evidence must show the descriptiveness of every component term within a proposed mark. In any event, Applicant's responses to the Examining Attorney's request for information indicate that Applicant's services will be offered in connection with an attraction featuring both a natural bridge and caverns.

We are also unpersuaded by Applicant's argument that the evidence does not establish the descriptiveness of NATURAL BRIDGE CAVERNS because the evidence "included a mere three instances of someone other than Applicant using the full phrase."⁵¹ The fact that Applicant may be the first or only user to adopt the phrase does not mean that it is not merely descriptive, nor does it somehow render the phrase distinctive. *See In re Fallon*, No. 86882668, 2020 TTAB LEXIS 464, at *32-33 ("The fact that Applicant may be the first or only user of a term does not render that term distinctive' if . . . it has been shown to be merely descriptive of the goods [or services] identified in the application.") (quoting *Fat Boys*, 2016 TTAB LEXIS 150, at *10); *In re Swatch Grp. Mgmt. Servs. AG*, No. 85485359, 2014 TTAB LEXIS 131, at *29 n.50 ("Being 'the first and only one to adopt and use the mark sought to be registered does not prove that the mark is not descriptive.'") (quoting *In re Bailey Meter Co.*, 102 F.2d 843, 844 (CCPA 1939)).

⁵¹ *Id.* at 11.

Applicant's contention that NATURAL BRIDGE CAVERNS has an incongruous, and thus distinctive, meaning because it refers to "a natural bridge type of cavern, but there is no such recognized type of cavern"⁵² also lacks merit. The record establishes that natural bridges and caverns are often associated and may be part of the same geological formation. Indeed, Applicant's own caverns feature a natural bridge. Thus, it is not accurate to say that such caverns are not "recognized." And we fail to see why the phrase NATURAL BRIDGE CAVERNS should be considered incongruous, even if it is not commonly used, given that it aptly describes the features of such a formation.

Similarly, we reject Applicant's argument that the proposed mark requires the type of "multi-stage reasoning applicable to a suggestive mark" because "[f]irst, consumers must deduce that NATURAL BRIDGE CAVERNS describes a cavern that 'features' a natural bridge rather than a type of cavern that does not exist," and "[s]econd, consumers must make a mental leap to get from words that describe such a cavern to the words additionally describing the location of Applicant's Subject Services."⁵³ Applicant's arguments rest on the faulty premise that the mark is to be considered in the abstract. However, "[w]hether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *Hangzhou Mengku Tech. Co. v. Shanghai Zhenglang Tech. Co.*, No. 91272143, 2024 TTAB LEXIS 575, at *24 (quoting *In re Am. Greetings Corp.*, No. 73284539, 1985 TTAB

⁵² *Id.* at 12 (emphasis omitted).

⁵³ Applicant's Reply Brief, 12 TTABVUE 10.

LEXIS 97, at *3-4). Again, the mark must be considered “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.*, 2024 TTAB LEXIS 575, at *23-24. In view of the record here, we find no basis for concluding that the relevant consumers would need to engage in a multi-stage reasoning process to determine the significance of NATURAL BRIDGE CAVERNS when applied to Applicant’s services.

Applicant also asserts that “the weight of evidence shows consumers would perceive NATURAL BRIDGE CAVERNS as a unitary phrase denoting applicant or it its brand.”⁵⁴ To the extent that Applicant is arguing that NATURAL BRIDGE CAVERNS has acquired distinctiveness among the relevant consumers as a source indicator for its cavern attraction, we note, as the Examining Attorney does,⁵⁵ that Applicant has not made a claim of acquired distinctiveness as to the proposed mark in connection with the identified services in any of the involved applications, nor has Applicant otherwise presented any evidence that would support such a claim.⁵⁶

Lastly, Applicant notes that, if any doubt exists as to whether the proposed marks are merely descriptive, the doubt must be resolved in Applicant’s favor.⁵⁷ While we

⁵⁴ Applicant’s Appeal Brief, 7 TTABVUE 11 (converted to standard capitalization).

⁵⁵ Examining Attorney’s Brief, 9 TTABVUE 11-12.

⁵⁶ See Applicant’s Reply Brief, 12 TTABVUE 7 (“Here, Applicant does not seek registration under Section 2(f).”).

⁵⁷ *Id.* at 10.

agree with that general proposition, it is not a thumb on the scale that displaces a conclusion the record otherwise compels. *See In re Berkeley Lights, Inc.*, No. 88895703, 2022 TTAB LEXIS 382, at *30 (“To be sure, when the Board has doubt on the issue of descriptiveness, it resolves such doubt in favor of the applicant. But the ‘rule of doubt’ applies only where the Board expresses some doubt.” (citations omitted)).

Here, we have no doubt as to our conclusion. The dictionary evidence establishes a single, settled meaning for each component term, and the record contains no evidence that either “natural bridge” or “caverns”—or the combination—carries any alternative or ambiguous significance in relation to the identified services. The third-party evidence demonstrates that accommodations, campgrounds, parking facilities, event facilities, and similar services are routinely offered to provide access or proximity to cavern and natural-bridge attractions. And Applicant’s own responses to the request for information confirm that its services are offered for the purpose of, or as a means of accessing, precisely such an attraction. On this record, the descriptive significance of the proposed mark as applied to Applicant’s services is not a matter of degree or close judgment; it follows directly from the evidence, including Applicant’s own admissions. Because our conclusion rests on that evidence rather than on any unresolved uncertainty, the rule of doubt does not aid Applicant. *See Berkeley Lights*, 2022 TTAB LEXIS 382, at *30.

III. Conclusion

Two significant reasons for not registering merely descriptive marks are: “(1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods [or services]; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products.” *In re Stereotaxis Inc.*, 429 F.3d 1039, 1042 (Fed. Cir. 2005) (quoting *Abcor*, 588 F.2d at 813). We have considered all the arguments⁵⁸ and evidence of record here, and conclude that NATURAL BRIDGE CAVERNS, when considered as a whole, is merely descriptive of Applicant’s services. Thus, we agree with the Examining Attorney that other entities in the marketplace who offer the same services in connection with an attraction consisting of, or including, a cave system featuring a

⁵⁸ Both Applicant and the Examining Attorney devote portions of their briefs to arguing whether *In re Pebble Beach Co.*, No. 73810571, 1991 TTAB LEXIS 14, applies to this case. We agree with the Examining Attorney that *Pebble Beach* is inapposite here. It involved a refusal under Trademark Act Section 2(e)(2), 15 U.S.C. § 1052(e)(2), specifically whether the mark 17 MILE DRIVE was primarily geographically descriptive of the applicant’s goods and services. *See id.* at *2. The Board found that it was not primarily geographically descriptive and instead “function[ed] as a mark because it is through applicant’s efforts (whether directly through advertising or indirectly through publicity) that the name given by applicant to part of its land has come to be recognized as indicating a specific physical location.” *Id.* at *7. Applicant asserts that *Pebble Beach* is thus relevant here, because “the PTO makes explicit for the first time in its . . . Brief that NATURAL BRIDGE CAVERNS describes the location where Applicant renders its services under Section 2(e)(1) even though it withdrew its [previous] Section 2(e)(2) rejection.” Applicant’s Reply Brief, 12 TTABVUE 8. However, Applicant misconstrues the Examining Attorney’s argument, which, in fact, reiterates that the refusal is based on the “general descriptive meaning of the terms” in the proposed mark and notes that “[t]he mere fact that applicant owns the land where the natural bridge and caverns are located and chooses to use NATURAL BRIDGE CAVERNS to identify the property does not itself make this wording distinctive.” Applicant’s Brief, 9 TTABVUE 11.

naturally occurring bridge-like rock formation, should be free to use NATURAL BRIDGE CAVERNS in advertising such services.⁵⁹

Decision: We **affirm** the refusal to register Applicant's proposed mark, NATURAL BRIDGE CAVERNS, under Trademark Act Section 2(e)(1) in all four applications.

⁵⁹ See Examining Attorney's Brief, 9 TTABVUE 12. Applicant argues "there is no competitive need for other to use the phrase 'natural bridge caverns.'" Applicant's Brief, 7 TTABVUE 6. For the reasons already stated, we find that the record shows otherwise. In any event, "there is no requirement that the Examining Attorney prove that others have used the mark at issue or that they need to use it, although such proof [is] highly relevant to an analysis under Section 2(e)(1)." *Fat Boys*, 2016 TTAB LEXIS 150, at *10.