

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: October 23, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

—
Paramus Publishing, Inc.

v.
Noaha
—

Cancellation No. 92079706
—

Enes Hajdarpasic of Onal Gallant & Partners,
for Paramus Publishing, Inc.

Noaha, *pro se*.
—

Before Wellington, Heasley, and Bradley,
Administrative Trademark Judges.

Opinion by Heasley, Administrative Trademark Judge:

Respondent Noaha owns Principal Register Registration No. 6325687 for the mark STORIES OF THE PROPHETS, in standard characters, for “religious books” in International Class 16. After it applied to register the designation on July 21, 2020, the Examining Attorney issued a nonfinal Office Action refusing registration “because the applied-for mark merely describes a feature and/or characteristic of applicant’s goods.”¹ However, in light of the application’s claimed January 8, 1980

¹ App. Ser. No. 90064982, November 4, 2020 Nonfinal Office Action at 2.

date of first use anywhere and in commerce, the Examining Attorney suggested that “applicant has the option to amend the application to assert a claim of acquired distinctiveness under Trademark Act Section 2(f) in order to obviate the Section 2(e)(1) Descriptiveness Refusal.”² Thus prompted, Applicant (now Respondent) promptly complied, averring simply that “[t]he mark 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.”³ The Registration issued on April 20, 2021.

Petitioner Paramus Publishing, Inc. seeks cancellation of Respondent’s Registration under Trademark Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1), on the ground, among others, that STORIES OF THE PROPHETS has not acquired distinctiveness under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f), and is merely descriptive.⁴ In its Answer, Respondent denies the salient allegations of the Petition for Cancellation.⁵ Both parties have briefed the case.⁶ We grant the petition.

² *Id.* at 4.

³ December 23, 2020 Response to Office Action at 3.

⁴ Petition for Cancellation, 1 TTABVUE. The Petition also claimed genericness and fraud. 1 TTABVUE 7-9. Petitioner did not pursue its claim of fraud in its main brief, 57 TTABVUE, so that claim is impliedly waived or forfeited. *Look Cycle Int’l v. Kunshan Qiyue Outdoor Sports Goods Co.*, No. 92079409, 2024 WL 3739358, *1 n. 4 (TTAB 2024). Petitioner’s brief did pursue genericness, but given our decision based on mere descriptiveness without acquired distinctiveness, we do not reach that issue. *CBC Mortgage Agency v. TMRR, LLC*, No. 92076723, 2022 WL 3444028, *14 n.22 (TTAB 2022).

⁵ Answer, 4, 7, 31 TTABVUE.

⁶ Respondent moves to strike Petitioner’s reply brief on the ground that it raises new arguments that were not presented in Petitioner’s main brief. 60 TTABVUE 2. We find that

I. The Record

The record consists of the pleadings and file history of Respondent's subject Registration, Trademark Rule 2.122(b), 37 C.F.R. § 2.122(b), plus the following:

Petitioner introduced:

- The declaration of Huseyin Senturk, Vice President of Petitioner, attesting inter alia to Petitioner's use of "stories of the prophets" in connection with the sale of some of its publications since 2009 (49 TTABVUE);
- The declaration of Zeki Saritoprak, Endowed Chair in Islamic Studies and Professor of Theology and Religious Studies at John Carroll University, attesting inter alia to use of the term "Stories of the Prophets" and its Arabic original "Qisas al-Anbiya" dating back to the origins of Islam in the sixth century (50 TTABVUE);
- The declaration of Adnan Khattak, owner of the online bookstore IslamicBookStore.com, attesting that it carries a variety of publications with the phrase "stories of the prophets" (51 TTABVUE);
- The declaration of Athar Jatoi, owner of Mecca Books, publisher of religious literature, including many publications with the phrase "stories of the prophets." (53 TTABVUE);
- Petitioner's Notice of Reliance (NOR), which includes:
 - Webpages from Petitioner's website offering books with "Stories of the Prophets" in their titles;
 - Webpages offering publications containing "stories of the prophets";
 - YouTube playlist and channel regarding "Stories of the Prophets";
 - A Wikipedia article on the Qasas al-anbiya, or Stories of the Prophets;
 - Respondent's discovery responses;

Petitioner's reply brief, 59 TTABVUE, merely summarizes its prior position, and is acceptable. TBMP § 801.03. The motion to strike is overruled.

- Excerpts from the prosecution file of the application that matured into Respondent's subject Registration.⁷ (52 TTABVUE.)

Respondent introduced a Notice of Reliance consisting in the main of unverified statements, presumably from Petitioner's principal, Mr. Ras. It contains, among other things:

- The assertion that the phrase "Stories of the Prophets" became distinctive through continuous use in commerce;
- The statement that "Stories of the Prophets" is the title of Respondent's book series, which is registrable as a mark; and
- Respondent's response to each of the declarations or exhibits adduced by Petitioner. (56 TTABVUE).⁸

The Board has reviewed all the evidence of record, and presumes the parties' familiarity therewith. *See Quiktrip W., Inc. v. Weigel Stores, Inc.*, 984 F.3d 1031, 1036 (Fed. Cir. 2021) (Board not obliged to expressly discuss every piece of evidence); *In re Miracle Tuesday LLC*, 695 F.3d 1339, 1348 (Fed. Cir. 2012) ("[T]he mere fact that the Board did not recite all of the evidence it considered does not mean the evidence was not, in fact, reviewed."). *See Plant Genetic Sys., N.V. v. DeKalb Genetics Corp.*, 315 F.3d 1335, 1343 (Fed. Cir. 2003) ("We presume that a fact finder reviews all the evidence presented unless he explicitly expresses otherwise.").

II. Entitlement

"Entitlement to a statutory cause of action under Section 13 or 14 of the Trademark Act must be established in every Board inter partes case." *Kimberley*

⁷ Petitioner did not need to include excerpts from the subject Registration's prosecution history, as that file is already automatically deemed part of the record. Trademark Rule 2.122(b). *Lens.com, Inc. v. 1-800 Contacts, Inc.*, 686 F.3d 1376, 1383 (Fed. Cir. 2012).

⁸ Respondent's NOR contains inter alia a purported stipulation, 56 TTABVUE 13-14, that neither party addressed in its briefing. Consequently, we give it no consideration.

Kampers IP Pty Ltd v. Safiery Pty Ltd, No. 92074422, 2022 WL 16708341, *2 (TTAB 2022). “Under § 14 of the Lanham Act, a cancellation challenge may be filed ‘by any person who believes that he is or will be damaged . . . by the registration of a mark on the principal register.’ § 1064.” *Meenaxi Enter., Inc. v. Coca-Cola Co.*, 38 F.4th 1067, 1072 (Fed. Cir. 2022); *see also Curtin v. United Trademark Holdings, Inc.*, 137 F.4th 1359, 1362 (Fed. Cir. 2025). “A party in the position of plaintiff may seek to cancel registration of a mark where such cancellation is within the zone of interests protected by the statute, and the party has a reasonable belief in damage that is proximately caused by registration of the mark.” *Look Cycle*, 2024 WL 3739358, at *3 (citing *Corcamore, LLC v. SFM, LLC*, 978 F.3d 1298, 1303-05 (Fed. Cir. 2020)).

Petitioner does not have to assert a proprietary interest in “Stories of the Prophets” to establish its entitlement to seek cancellation of Respondent’s Registration. “An absence of proprietary rights does not in itself negate an interest in the proceeding or a reasonable belief of damage.” *Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC*, 965 F.3d 1370, 1371 (Fed. Cir. 2020). Petitioner may prove its entitlement by establishing that it has a present or prospective interest in using the term in its business. *De Walt, Inc. v. Magna Power Tool Corp.*, 289 F.2d 656, 661 (CCPA 1961) (Standing “will be presumed or inferred when the mark ... registered is descriptive of the goods and the opposer or petitioner is one who has a sufficient interest in using the descriptive term in its business.”).

Our reviewing Court’s predecessor explains:

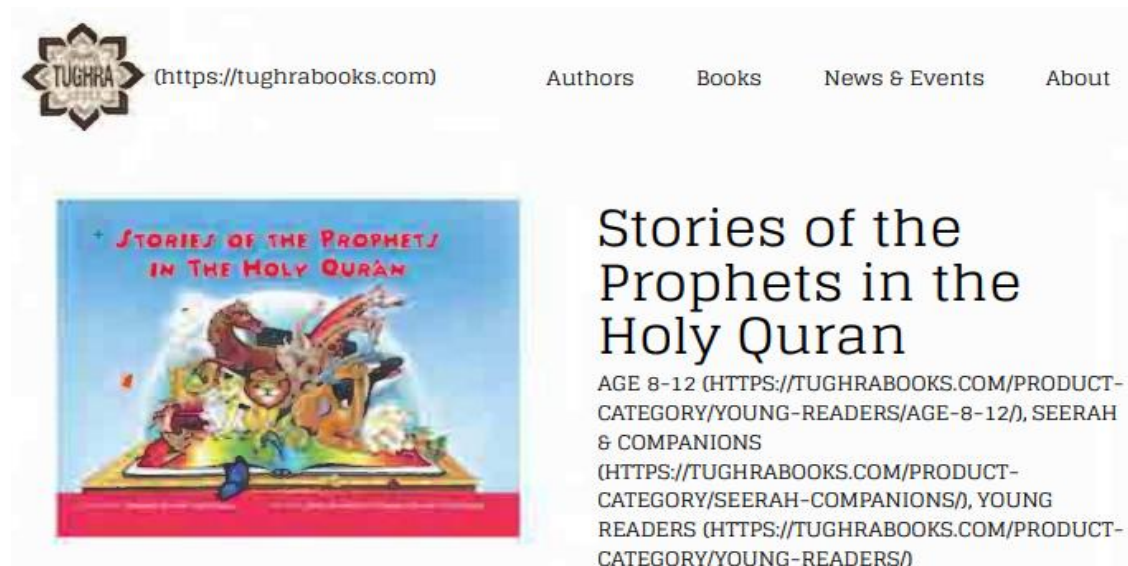
One who [proceeds under] section 2(e)(1) alleges use of, or the right to use, a descriptive term in his business and is trying to prevent a claim of exclusive ownership of that term, asserting a privilege which he holds in

common with all others, including the [registrant], to the free use of the language. Any use by [petitioner], whether begun prior or subsequent to [registrant's], and whether in a descriptive context or in the manner of a mark, may be sufficient to defeat the [registrant's] claim that the term is distinctive of its goods or has become distinctive thereof within the meaning of section 2(f) of the Lanham Act. ... Section 2(e)(1) is thus concerned with the prevention of harassment, based on a registration, under which an exclusive right could be claimed in a term which does not identify source.

Otto Roth & Co. v. Universal Foods Corp., 640 F.2d 1317, 1320 (CCPA 1981).

This teaching applies directly to the present case. Petitioner's vice president avers under oath that "Since at least 2009, Paramus Publishing has used the phrase 'stories of the prophets' in connection with the sale of some of its publications." He continues, "In particular, Petitioner has been selling a children's book by the title 'Stories of the Prophets in the Holy Qur'an' since 2009 through the Tughra Catalog. See Ex. A, Photographs of Book."⁹

Petitioner's Notice of Reliance shows two of its books bearing that title:



⁹ Senturk declaration, ¶¶ 4-5, 49 TTABVUE 3.



Petitioner also describes the impediment posed by Respondent's registration of the term:

[Petitioner's] book was sold on Amazon's online marketplace. However, on or about August 2020, Petitioner received notification from Amazon indicating that Respondent had filed a trademark infringement claim. As a result, the book was taken off the Amazon marketplace and Petitioner has been unable to sell the book.

Petitioner has attempted to challenge Amazon's decision with Amazon, but Petitioner was informed that Amazon will not take any action to restore the book on its marketplace unless the underlying trademark dispute is resolved. In other words, Amazon is not going to allow Petitioner to sell the book online unless the mark "stories of the prophets" is cancelled or abandoned.¹¹

Respondent responds that "Petitioner and other publishers lack standing because they have plagiarized Noah's stories, title, and ideas."¹² But that presupposes Respondent's exclusive ownership of "Stories of the Prophets," the very issue the

¹⁰ Petitioner's NOR, exs. 1-2, 52 TTABVUE 3, 9, 14.

¹¹ Senturk decl., ¶¶ 6-7, 49 TTABVUE 3-4.

¹² Respondent's brief, 58 TTABVUE 5.

Petition for Cancellation raises. Respondent also argues that “Petitioner’s book is still being sold at Walmart, and at hundreds of other retailers Worldwide.”¹³ But the fact that Respondent’s registration is not currently barring Petitioner from using the objectionable term misses the point. As in *Otto Roth*, the Registration enables Respondent to claim exclusive rights to the term, as used on religious books. “To put it in possession of prima facie proof of a right it does not have, which it might at any time decide to assert against [Petitioner], would, in our opinion, be damaging to [Petitioner] since it could at least be used to harass [Petitioner] into ceasing the use of [‘Stories of the Prophets’] on pain of defending a lawsuit.” *De Walt v. Magna*, 289 F.2d at 661, *quoted in Univ. of Kentucky v. 40-0, LLC*, No. 91224310, 2021 WL 839189, *6 (TTAB 2021). As a matter of fact, one of Petitioner’s declarants, Athar Jatoi, avers that “Our business was also subject to an infringement strike by Noaha, Inc. in 2020 concerning books sold with the phrase ‘stories of the prophets.’”¹⁴

Consequently, Petitioner’s interest in using “Stories of the Prophets” is within the zone of interests protected by statute, and Petitioner has a reasonable belief in damage proximately caused by Respondent’s registration. *Corcamore*, 978 F.3d at 1303-05. It has established its entitlement to pursue cancellation.

III. Discussion and Analysis

A “trademark” is statutorily defined as “any word, name, symbol, or device, or any combination thereof” that a person uses “to identify and distinguish his or her goods

¹³ Respondent’s NOR, 56 TTABVUE 6, 7.

¹⁴ Jatoi decl. ¶ 4, 53 TTABVUE 3.

... from those manufactured or sold by others and to indicate the source of the goods.” 15 U.S.C. § 1127. In other words, “a trademark is not a trademark unless it identifies a product’s source (this is a Nike) and distinguishes that source from others (not any other sneaker brand).” *Jack Daniel’s Props., Inc. v. VIP Prods. LLC*, 599 U.S. 140, 146 (2023). “The general rule regarding distinctiveness is clear: An identifying mark is distinctive and capable of being protected if it **either** (1) is inherently distinctive or (2) has acquired distinctiveness through secondary meaning.” *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 769 (1992).

“Marks which are merely descriptive of a product are not inherently distinctive. When used to describe a product, they do not inherently identify a particular source, and hence cannot be protected.” *Id.* When Respondent’s application to register STORIES OF THE PROPHETS for “religious books” encountered a mere descriptiveness refusal, Respondent amended the application to claim acquired distinctiveness under Section 2(f), 15 U.S.C. § 1052(f), based on a its purported substantially exclusive and continuous use of the mark in commerce for at least five years. “[I]n cases where registration was initially sought on the basis of distinctiveness, subsequent reliance by the applicant on Section 2(f) assumes that the mark has been shown or conceded to be merely descriptive. ... [Inherent distinctiveness] is a nonissue under that subsection of the statute. The only remaining issue under Section 2(f) relating to the proposed mark itself is acquired distinctiveness.” *Yamaha Intern. Corp. v. Hoshino Gakki Co.*, 840 F.2d 1572, 1577 (Fed. Cir. 1988).

The issue posed by this case is whether Petitioner has disproven Respondent's claim of acquired distinctiveness, thereby establishing that the registered mark is merely descriptive, and therefore unregistrable.¹⁵ The Court of Appeals for the Federal Circuit explains Petitioner's burden of proof:

In a cancellation proceeding, unlike an opposition, the registration has a presumption of validity. 15 U.S.C. § 1057(b). The party seeking cancellation must overcome this presumption by a preponderance of the evidence. ... The party seeking to cancel registration of a mark always bears the burden of persuasion, that is, the ultimate burden of proving invalidity of the registration by a preponderance of the evidence.

...

In a Section 2(f) case, the party seeking cancellation bears the initial burden to establish a prima facie case of no acquired distinctiveness. ... To satisfy this initial burden, the party seeking cancellation must present sufficient evidence or argument on which the board could reasonably conclude that the party has overcome the record evidence of acquired distinctiveness—which includes everything submitted by the applicant during prosecution. ... The burden of producing additional evidence or argument in defense of registration only shifts to the registrant if and when the party seeking cancellation establishes a prima facie showing of invalidity. The Board must then decide whether the party seeking cancellation has satisfied its ultimate burden of persuasion, based on all the evidence made of record during prosecution and any additional evidence introduced in the cancellation proceeding.

Cold War Museum, Inc. v. Cold War Air Museum, Inc., 586 F.3d 1352, 1358 (Fed. Cir. 2009) (internal citation and punctuation omitted), *quoted in Flame & Wax, Inc. v. Laguna Candles, LLC*, No. 92072343, 2022 WL 3083070, *11 (TTAB 2022).

During prosecution of its application, “respondent did not submit any actual evidence of acquired distinctiveness (e.g. advertising expenditures, volume of sales

¹⁵ There is no dispute that “The name of a series of books or other creative works may be registrable **if** it serves to identify and distinguish the source of the goods.” TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1202.08(c) (May 2025) (emphasis added). The issue here is if STORIES OF THE PROPHETS serves to identify and distinguish the source of the goods: religious books.

under the mark, consumer surveys). Instead, the USPTO accepted Respondent's claim of acquired distinctiveness solely on the basis of respondent's Section 2(f) declaration of five years of 'substantially exclusive and continuous use' immediately preceding the date of execution of the declaration." *Alcatraz Media, Inc. v. Watermark Cruises*, No. 92050879, 2013 WL 5407315, *17 (TTAB 2013).¹⁶ This minimal showing sufficed because "[w]hen registration is sought under Section 2(f), the board publishes the mark for opposition when it is satisfied that the applicant has presented a prima facie case of acquired distinctiveness." *Yamaha v. Hoshino*, 840 F.2d at 1576.

Petitioner adduces evidence that Respondent's use of the term has been anything but substantially exclusive. Petitioner's vice president attests not only to Petitioner's "Stories of the Prophets" books, but declares, "I also personally know of various other publications that have used the phrase 'stories of the prophets' to publish similar books," such as:

- Stories of the Prophets. Jocelyn Oliver, London : Humphrey Milford, 1927;
- The stories of the prophets, Ibn Mutarrif al-Tarafi; Roberto Tottoli, Berlin : Klaus Schwarz Verlag, 2003; and
- Stories of the Prophets (Before the Exile), Isaac Landman, Alpha Edition, 2024.¹⁷

Adnan Khattak, owner of IslamicBookStore.com, declares that "[o]ur store carries a variety of publications, including many with the phrase 'stories of the prophets.'"¹⁸

¹⁶ December 23, 2020 Response to Office Action at 1-3.

¹⁷ Senturk decl., ¶ 11, 49 TTABVUE 4-5.

¹⁸ Khattak decl. ¶ 3, 51 TTABVUE 3.

He continues:

4. Among these, are “Stories of the Prophets”, published by Dar-us-Salam Publications, Riyadh, Saudi Arabia. “Stories of the Prophets”, published by UK Islamic Academy, Leicester, United Kingdom. “Stories of the Prophets” published by Idara Isha’at-e-Diniyat, New Delhi, India, and “Stories of the Prophets,” published by International Islamic Publishing House, Riyadh, Saudi Arabia. As well, “Stories of the Prophets” published by Hikmah Publications, Philadelphia, PA USA. ¹⁹

Athar Jatoi, owner of Mecca Books, which publishes religious literature and maintains a website at MeccaBooks.com, also attests that “[o]ur store carries a variety of publications, including many with the phrase ‘stories of the prophets.’”²⁰

He continues:

Below are some examples of the books available online on our store and others as well:

- i. Stories of the Prophets: A Rendering from Ibn Kathir : By Ibn Kathir
2023
- ii. Stories of the Prophets: By Ibn Kathir 2016
- iii. Stories Of The Prophet In The Holy Quran: By Shahada Sharelle Haqq
· 2008
- iv. Stories of the Prophets: By Isaac Landman 1912
- v. Stories of the Prophets: By Sayyed Abul Hasan Ali Nadwi 2017

¹⁹ Khattak decl. ¶ 4, 51 TTABVUE 3.

²⁰ Jatoi decl. ¶ 3, 53 TTABVUE 3.

vi. Stories of the Prophets: Illustrated Manuscripts of Qiṣaṣ Al-anbiyā :

By Rachel Milstein, Karin Rührdanz, Barbara Schmitz · 1998

vii. Stories of the Prophets in Al-Quran: By Tareq Al-Suwaidan · 2013

viii. Al-Rabghuzi, The Stories of the Prophets (2 Vols.)²¹

To this testimony, Petitioner adds its Notice of Reliance, which contains, among other things, depictions of books published in 1963 and 1985 incorporating “Stories of the Prophets” in their titles;²² a Wikipedia article for “Qisas al-Anbiya,” translated to “stories of the prophets” to show how the public would understand the term;²³ and YouTube playlists, one entitled “Stories of the Prophets” for 17 videos with a combined viewership of about 1.5 million, and the other, “Stories of the Prophets – Quran Stories”, consisting of over 250 videos with over 900,000 subscribers.²⁴

Based on the evidence, we find that Petitioner has made out a prima facie case that Respondent has not made substantially exclusive use of STORIES OF THE PROPHETS, thereby shifting to Respondent the burden of producing additional evidence or argument in defense of the Registration. *See Cold War Museum*, 586 F.3d at 1358.

Respondent’s sole submission of evidence is its Notice of Reliance, in which it makes various assertions, none supported by testimony under oath.²⁵ A notice of

²¹ Jatoi decl. ¶ 5, 53 TTABVUE 5.

²² Petitioner’s NOR, exs. 4, 5, 52 TTABVUE 4, 26-31.

²³ *Id.*, ex. 10, 52 TTABVUE 5, 51-56.

²⁴ *Id.*, exs. 12-13, 52 TTABVUE 5-6, 66-72.

²⁵ Respondent’s NOR, 56 TTABVUE.

reliance is not the proper vessel for the submission of testimony. Rather, “[t]he testimony of witnesses in inter partes cases may be submitted in the form of an affidavit or a declaration pursuant to [Trademark Rule] § 2.20 and in conformance with the Federal Rules of Evidence, filed during the proffering party’s testimony period,” *WeaponX Performance Products, Ltd. v. Weapon X Motorsports, Inc.*, No. 91221553, 2018 WL 1326374, *3 (TTAB 2018) (citing Trademark Rule 2.123(a)(1), 37 C.F.R. § 2.123(a)(1)). The affidavit or declaration must be supported by an oath, made under penalty of perjury, in conformance with 37 C.F.R. § 2.20 or 28 U.S.C. § 1746. A declaration that does not attest to an awareness of the penalty for perjury is unacceptable. If it is not properly verified, it is not testimony. *TV Azteca, S.a.b. De C.v. v. Martin*, No. 92068042, 2018 WL 6504575, *4 (TTAB 2018). *See also McDonald’s Corp. v. McKinley*, No. 9174168, 1989 WL 274414, *1 n.4 (TTAB 1989) (“Applicant’s unsworn statement does not constitute testimony in the absence of an oath or affirmation thereof.”).

On the other hand, Petitioner bears the burden of proving by a preponderance of the evidence that STORIES OF THE PROPHETS did not acquire distinctiveness, as used on religious books, at the time of registration (on April 20, 2021) or trial. *Flame & Wax v. Laguna Candles*, 2022 WL 3083070, at *9. We therefore assess Petitioner’s evidence in light of the arguments Respondent raises, even though the assertions in Respondent’s Notice of Reliance do not rise to the level of testimony.

Respondent asserts that “Noah [principal of Respondent], is the great grandson of Ibn Kathir, who wrote the original Stories of the Prophets and popularized the term in the 13th century. And Noah created the STORIES OF THE PROPHETS book

series nearly 5 decades ago.”²⁶ Although the import of this assertion is unclear, Respondent’s attempt to tack its use of STORIES OF THE PROPHETS to a thirteenth century writer may be intended to extend its period of substantially exclusive use. It contends, for example, that “Ibn Kathir’s book predates this book [the 1963 ‘Stories of the Prophets,’ Petitioner’s exhibit four] by centuries,”²⁷ and that “Noah’s books predate this book [the 1985 ‘Stories of the Prophets,’ Petitioner’s exhibit five] by many decades and by many centuries by Noah’s great grandfather Ibn Kathir.”²⁸ With respect to the YouTube playlists for “Stories of the Prophets,” [Petitioner’s exhibits 12 and 13] Respondent states “our books predates [sic] such videos by many decades and centuries.”²⁹ And with respect to the many books entitled “Stories of the Prophets,” Respondent argues that “all such publishers took our stories and title.”³⁰

We find that Respondent fails in this attempt to tack its use to a centuries-old version of “Stories of the Prophets.”

In discovery, Petitioner propounded the following interrogatory to Respondent: “Describe the nature of your relationship with Ibn Kathir.” Respondent’s principal, Noah Ras, responded, “When I was a child, my father told me that Ibn Kathir was my great grandfather. His father told him the same and I believe my father.”³¹ These

²⁶ Respondent’s NOR, 56 TTABVUE 4.

²⁷ *Id.*, 56 TTABVUE 8.

²⁸ *Id.*

²⁹ *Id.*, 56 TTABVUE 10-11.

³⁰ *Id.*, 56 TTABVUE 6.

³¹ Respondent’s Ans. To Int. 19, Petitioner’s ex. 14, 52 TTABVUE 81.

statements of family lineage are unsubstantiated by evidence and, even if they were, do not enable Respondent to claim substantially exclusive use prior to the January 8, 1980 date claimed in its Registration. This is true for several reasons.

First, Section 2(f) requires proof of “substantially exclusive and continuous use thereof as a mark by the applicant,” 15 U.S.C. § 1052(f). Yet Respondent adduces no testimony of use on its part, much less continuity of use, prior to January 8, 1980.

Second, the term “Stories of the Prophets” predates Ibn Kathir’s text. Petitioner adduces the declaration of Zeki Saritoprak, Endowed Chair in Islamic Studies and Professor of Theology and Religious Studies at John Carroll University. He declares under oath:

As a scholar of Islamic history and thought, I can attest that the term “Stories of the Prophets” and its Arabic original “Qisas al-Anbiya” is a term that has a basis in the religion of Islam dating back to the origins of Islam in 6th Century Arabia and the revelation of the Qur’an.

This term is included in the Qur’an and there were numerous volumes in early Islam that used this title or variations thereof, prior to its use by Ibn Kathir (d. 1373 CE).³²

Respondent states, “Mr. Saritoprak ... stated that the Stories of the Prophets has a basis in the religion of Islam and is included in the Qur’an. That is NOT true. Like a person in Missouri would say: ‘You have got to show me’.”³³ However, Respondent had the opportunity to challenge Mr. Saritoprak’s averments via discovery requests or cross-examination, or by submitting contradictory testimony under oath. *See*

³² Saritoprak decl. ¶¶ 3-5, 50 TTABVUE 3-4.

³³ Respondent’s NOR, 56 TTABVUE 5; Respondent’s brief, 58 TTABVUE 5.

TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 405 (interrogatories), 406 (requests for production of documents), and 703.01(h) (“Regardless of the form of the direct testimony, every adverse party must be given an opportunity to cross-examine the witness, and the proffering party may conduct redirect examination of a witness following cross-examination.”) (2025-06). It did not avail itself of these procedural mechanisms.

Respondent also impugns Mr. Sarioprak’s credibility, alleging that “Mr. Aeki Saritoprak is a friend of the Petitioner’s Attorney, Mr. Hajdarpasic, and also a friend of ... Mr. Hyseyin. ... Mr. Aeki Saritoprak ..., and their Attorney Mr. Hajdarpasic are all from Turkey. Many Turkish authors have been accused of Plagiarism.”³⁴ Disregarding the ad hominem comments, we note that Mr. Sarioprak’s knowledge, experience, and education qualify him to offer probative testimony on this subject. Fed. R. Evid. 702. We therefore accept his testimony.

Third, Respondent is not the only one to base “Stories of the Prophets” on Ibn Kathir’s text. Declarant Athar Jatoi offers versions of “Stories of the Prophets” based on Ibn Kathir’s text on his MeccaBooks.com website.³⁵

Respondent even admits in its brief that:

Ibn Kathir’s rendition of the prophets’ stories, owing to its vast popularity, has profoundly influenced the common perception of these tales. Subsequent writers and narrators frequently reference his interpretations, whether directly or indirectly, thereby solidifying Ibn Kathir’s compilation as the authoritative source.

³⁴ Respondent’s NOR, 56 TTABVUE 5.

³⁵ Jatoi decl. ¶ 5 (i), (ii), 53 TTABVUE 5.

While other academics may have drawn from the “Stories of the Prophets”, it is Ibn Kathir’s scholarly precision, compelling narrative, and lasting popularity that have made his version the most recognized and attributed whenever the phrase “Stories of the Prophets” is mentioned.³⁶

While other texts are now available, Ibn Kathir’s version frequently serves as the main reference point, leading to a reduced emphasis on less rigorous collections. Currently, the term “Stories of the Prophets” is often implicitly understood to refer to or be heavily influenced by Ibn Kathir’s rendition.³⁷

Ibn Kathir’s meticulous methodology, emphasis on trustworthy sources, and the extensive translation into various languages, along with its global distribution and enduring influence over centuries, have contributed to the elevation of his Stories of the Prophets to a canonical level. Consequently, when people today discuss “Stories of the Prophets,” they often refer to, or are at least heavily influenced by, Ibn Kathir’s validated and widely shared narrative, which effectively diminishes less rigorous versions and establishes his work as the prevailing descriptive reference.³⁸

His book has been continually studied, translated, and disseminated for centuries worldwide. It provides a foundational text for interpreting the stories of the prophets for both scholars and the general public.³⁹

Numerous contemporary editions and translations of “Stories of the Prophets” clearly reference “Ibn Kathir” in their titles or subtitles, thereby emphasizing the direct connection. It is common to encounter titles such as “Stories of the Prophets by Ibn Kathir” or “Ibn Kathir’s Stories of the Prophets.”⁴⁰

In sum, the evidence adduced by Petitioner, coupled with Respondent’s admissions, overwhelmingly establish that Respondent’s use of STORIES OF THE

³⁶ Respondent’s brief, 58 TTABVUE 9.

³⁷ *Id.*, 58 TTABVUE 11.

³⁸ *Id.*, 58 TTABVUE 12.

³⁹ *Id.*, 58 TTABVUE 13.

⁴⁰ *Id.*

PROPHETS on religious books has not been “substantially exclusive,” either at the time of registration or thereafter. *Milwaukee Electric Tool Corp. v. Freud America, Inc.*, No. 92059634, 2019 WL 6522400, *29 (TTAB 2019). Such non-exclusive use presents a serious problem for Respondent in maintaining trademark rights in a designation that is not inherently distinctive, because it interferes with the relevant public’s perception of the designation as an indicator of a single source. *See Levi Strauss & Co. v. Genesco, Inc.*, 742 F.2d 1401, 1403 (Fed. Cir. 1984) (“When the record shows that purchasers are confronted with more than one (let alone numerous) independent users of a term or device, an application for registration under Section 2(f) cannot be successful, for distinctiveness on which purchasers may rely is lacking under such circumstances.”).

We find that Petitioner has met its ultimate burden of proving, by a preponderance of evidence, that Respondent’s designation STORIES OF THE PROPHETS has not acquired distinctiveness, and remains merely descriptive, as Respondent impliedly conceded during prosecution of its application. In other words, on this record, we cannot find that the relevant public associates the designation with Respondent alone, or recognizes the designation as a mark identifying only Respondent’s goods. *Alcatraz Media v. Watermark Cruises*, 2013 WL 5407315, at *20.

IV. Decision

The petition to cancel Registration No. 6325687 is **granted** on the ground that Respondent’s purported mark is merely descriptive and has not acquired distinctiveness.