

TTAB Expands Generic Inquiry to Product Packaging

Published in *Managing Intellectual Property*

October 28, 2019

This article explores a recent Trademark Trial and Appeal Board (TTAB) precedential ruling, which holds that the term "generic name" as used in the Trademark Act includes product packaging, and that the generic inquiry is applicable to assessments of source identification capabilities of product packaging.

In *In re Odd Sox LLC*, the company sought registration on the Principal Register of the trade dress for use in connection with socks. They described the relevant part as a "three-dimensional configuration of product packaging for displaying a single pair of socks hanging side by side . . . in a manner in which the toe of the sock is flattened and faces forward from an elongated rectangular packaging design." Prosecution ensued, including multiple appeals and remands. The decision that followed provides interesting guidance with respect to what type of packaging would qualify (or would not qualify) for trademark registration.

Read "[TTAB Expands Generic Inquiry to Product Packaging](#)" in its entirety.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Karen Artz Ash

+1.212.940.8554

karen.ash@katten.com

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).