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Hard “G” Beats Soft “J”: GASPER ROOFING Escapes JASPER Confusion Block

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By [Peter A. Chiabotti](#)



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Peter A. Chiabotti

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A USPTO Examining Attorney refused to register GASPER ROOFING, finding it confusingly similar to the already-registered JASPER CONTRACTORS—same services, similar letter strings, case closed. Then Applicant appealed. In *In re Jason Jimenez*, Serial No. 97551823 (TTAB Nov. 5, 2025), the Trademark Trial and Appeal Board overturned that refusal in a precedential decision, holding that the marks are sufficiently distinct in sound, meaning, and commercial impression to coexist on the register.

The Board conceded that the services are identical and presumed to travel in the same channels of trade. That concession normally tips the scales toward a finding of confusion. But two factors tipped them back.

The marks differ more than they resemble each other. The Board rejected the Examining Attorney’s argument that GASPER and JASPER are “phonetic equivalents.” Ironically, the very fact that sank the Applicant’s separate Section 2(e)(4) surname refusal—GASPER is a real surname—cut in its favor here. Because GASPER is a recognized surname and JASPER is an English word for a semi-precious stone, each carries a settled pronunciation, and the rule that “there is no correct pronunciation” carried less force. The letter strings “G-a-s” and “G-a-s-p” invoke the hard “g” sound, while “jasper” carries the soft “j.” The Board also found that the secondary terms ROOFING and CONTRACTORS produce different commercial impressions.

Consumer care matters. Roofing services are expensive, often involve consultations and financing, and are never impulse purchases. That elevated degree of purchaser care further reduced the risk of confusion.

The takeaway for trademark practitioners: When marks are real words with established pronunciations—not coined terms—the Board demands more than visual similarity to sustain a phonetic-equivalence argument. Even identical services will not seal a confusion finding where the marks diverge in sound, meaning, and overall impression, and purchasers exercise care.