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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Cambridge Management Corporation

Serial No. 75/291,485

Lawrence J. Marhoefer of Lane, Aitken & McCann for
Cambridge Management Corporation.

John Tingley, Trademark Examining Attorney, Law Office 102
(Thomas Shaw, Managing Attorney).

Before Simms, Hairston, and Bottorff, Administrative
Trademark Judges.

Opinion by Simms, Administrative Trademark Judge:

Cambridge Management Corporation (applicant) has
appealed from the final refusal of the Trademark Examining
Attorney to register the mark "VISION EXPERT" for computer
processors and computer software to perform real time,
computationally intensive processing of data in order to
create images representative of the data.¹ The Examining
Attorney has refused registration under Section 2(e)(1) of

¹ Application Ser. No. 75/291,485, filed May 14, 1997. In the
application, filed pursuant to Section 1(b) of the Act, 15 USC
§1051(b), applicant asserts that it has a bona fide intention to
use the mark in commerce.

the Act, 15 USC §1052(e)(1), arguing that the mark VISION EXPERT is merely descriptive of a feature of an imaging system with an "expert system" knowledge data. Applicant and the Examining Attorney have submitted briefs, but no oral hearing was requested. We reverse.

Relying upon a computer dictionary definition of the phrase "expert system",² the Examining Attorney argues that applicant's mark merely describes an expert system as part of its computer processors and computer software in that this system contains a knowledge base of data interfaced with VISION EXPERT software programs to perform vision and image processing solutions. Brief, 4. The Examining Attorney argues that applicant's goods perform imaging solutions such as robotic vision, medical imaging and other real time vision imaging solutions. According to the Examining Attorney, the words here sought to be

² The Computer Glossary (7th Ed.) defines "expert system" as:

An AI application that uses a knowledge base of human expertise for problem solving. Its success is based on the quality of the data and rules obtained from the human expert. In practice, expert systems perform both below and above that of a human. An expert system contains a knowledge base of if-then-else rules that are processed through an inference engine (software) that uses a variety of techniques to obtain the result.

registered are merely a combination of highly descriptive terms which together merely describe a feature of applicant's computer software, even to technical professionals.

The file reveals the following information about applicant's goods.

Vision Expert from Cambridge Parallel Processing is a powerful COTS real-time vision processing solution. It combines the super-performance of CPP'S Gamma II Plus™ vision and image processing workstation, with Vision Expert's Toolbox™ data visualization, exploration simulation and solution creation environment. This unique combination of power and simplicity enables the development of a wide range of advanced applications for non-destructive testing, SAR, ATR, robotic vision, medical imaging, and other demanding super-performance vision solutions.

Applicant contends that the word "VISION" has a number of meanings while the word "EXPERT" means one with a special skill or knowledge in a particular subject. According to applicant, while the term "expert system" has a particular meaning when used with computer systems, the term "EXPERT" alone does not have any meaning in connection with these goods. Applicant maintains that the mark VISION EXPERT is indefinite and susceptible to multiple meanings to technical professionals who are potential purchasers of applicant's goods.

A term is merely descriptive within the meaning of Section 2(e)(1) if it immediately describes an ingredient, quality, characteristic or feature of the goods or services or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). Whether a term is merely descriptive is determined, 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 on or in connection with the goods or services and the possible significance that the term would have to the average purchaser of those goods or services. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

After careful consideration of this record and the arguments, we believe the mark "VISION EXPERT" does not immediately and clearly describe applicant's real-time imaging system or a feature or attribute of that system. It seems to us that, as applied to applicant's goods, the mark requires some imagination or thought in order to determine the nature of the goods. While images are created through use of applicant's goods, which include a vision and image processing workstation, we do not believe that the Examining Attorney has persuasively shown that the

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mark VISION EXPERT is merely descriptive of applicant's computer processors and computer software. At most, applicant's asserted mark is suggestive of the goods.

Decision: The refusal of registration is reversed.

R. L. Simms

P. T. Hairston

C. M. Bottorff
Administrative Trademark
Judges, Trademark Trial
and Appeal Board