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**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 8  
CEW

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Milacron Inc.

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Serial No. 75/625,093

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John W. Gregg, Esq. for applicant.

Rodney Dickinson, Trademark Examining Attorney, Law Office  
112 (Janice O'Lear, Managing Attorney).

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Before Hanak, Walters and Chapman, Administrative Trademark  
Judges.

Opinion by Walters, Administrative Trademark Judge:

Milacron Inc. has filed a trademark application to register the mark QUOTE HELPER for "services of providing temporary use of on-line, non-downloadable software for assisting preparation of job quotes for the job shop and contract manufacturing industry."<sup>1</sup>

The Trademark Examining Attorney has finally refused registration, under Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive of its services.

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<sup>1</sup> Serial No. 75/625,093, in International Class 42, filed January 22, 1999, based on use of the mark in commerce, alleging first use and use in commerce as of January 4, 1999.

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but an oral hearing was not requested. We affirm the refusal to register.

The Examining Attorney made of record a definition of "quote" as "to state (a price) for securities, goods, or services," and of "helper" as "one that helps; an assistant." The Examining Attorney contends that the mark merely describes the function of applicant's services because "the purchasing public will perceive the mark as referring to the fact that the applicant's services will assist or help the user quote prices for jobs." He notes that it is clear from the identification of services that applicant's services involve "assisting preparation of job quotes"; and that applicant's specimens, a copy of a page from its web site, includes the statement "[l]et us help you quote your next job."

Applicant contends that its mark is suggestive, arguing that, notwithstanding its identification of services and its web page, its services are "limited to providing access to software via a global network"; and that the Examining Attorney applied the noted definitions too liberally.

The test for determining whether a mark is merely descriptive is whether the involved term immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of the product or service

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in connection with which it is used, or intended to be used. *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); *In re Engineering Systems Corp.*, 2 USPQ2d 1075 (TTAB 1986). It is not necessary, in order to find a mark merely descriptive, that the mark describe each feature of the goods or services, only that it describe a single, significant quality, feature, etc. *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985). Further, it is well-established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork, but in relation to the goods or services for which registration is sought, the context in which the mark is used, and the impact that it is likely to make on the average purchaser of such goods or services. *In re Recovery*, 196 USPQ 830 (TTAB 1977).

In the present case, it is our view that, when applied to applicant's services, the term QUOTE HELPER immediately describes, without conjecture or speculation, a significant feature or function of applicant's services, namely, that applicant provides access, through its Internet site, to software that helps users determine job quotes. Nothing requires the exercise of imagination, cogitation, mental processing or gathering of further information in order for purchasers of and prospective customers for applicant's services to readily perceive the merely descriptive

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significance of the term QUOTE HELPER as it pertains to applicant's identified services.

We are not persuaded otherwise by applicant's attempts to obfuscate the nature of its services by referring to them in its reply brief overbroadly as "providing on-line access to software." The fact remains that applicant's specimens of record demonstrate the nature of its services; those services are correctly reflected in its identification of services in the record; and its mark is merely descriptive in connection therewith.

*Decision:* The refusal under Section 2(e)(1) of the Act is affirmed.