

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF  
THE TTAB

Hearing:  
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PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Innovative Solutions & Support, Inc.

Serial No. 76/137,620

Lance J. Lieberman of Cohen, Pontani, Lieberman & Pavane  
for Innovative Solutions & Support, Inc.

Richard R. Alves, Jr., Trademark Examining Attorney, Law  
Office 104 (Sidney I. Moskowitz, Managing Attorney).

Before Hohein, Hairston and Bottorff, Administrative  
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

An application has been filed by Innovative Solutions  
& Support, Inc. to register PILOT'S/IP as a trademark for  
"integrated avionics display system, comprised primarily of  
a display and a rendering computer system for receiving  
input data and for processing the input data for  
graphically displaying information on the display, for the

display of aircraft, flight and navigational information to the aircraft flight crew.”<sup>1</sup>

The Trademark Examining Attorney has refused registration under Section 2(e)(1) of the Trademark Act on the ground that applicant’s mark, if applied to the identified goods, would be merely descriptive of them.

When the refusal was made final, applicant appealed. Applicant and the Examining Attorney have filed briefs on the case and an oral hearing was held.

The Examining Attorney contends that the mark PILOT’S/IP is merely a combination of the descriptive terms “PILOT’S” and “IP.” In particular, the Examining Attorney argues that the word PILOT’S describes the users of the identified goods and that “IP” is an acronym for “instrument panel.” According to the Examining Attorney, the identified goods either are a type of instrument panel or are for use in conjunction with an aircraft’s instrument panel. Thus, it is the Examining Attorney’s position that PILOT’S/IP is merely descriptive of the identified goods.

In support of the refusal to register, the Examining Attorney submitted a portion of the results of a search of the Acronym Finder on-line database for the “IP” acronym

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<sup>1</sup> Application Serial No. 76/137,260, filed September 29, 2000, alleging a bona fide intention to use the mark in commerce.

which shows that IP is an acronym for, inter alia, "Instrument Panel." In addition, the Examining Attorney submitted excerpts from the NEXIS database of references to "instrument panel" in connection with aircraft.

Finally, the Examining Attorney submitted with his appeal brief a definition of the word "pilot" of which we take judicial notice as requested. Based on this evidence, the Examining Attorney argues that PILOT'S/IP is merely descriptive of the identified goods.

Applicant, in urging reversal of the refusal to register, maintains that there is no evidence that "the aviation industry- i.e., the purchasers and users of Applicant's costly, complex and 'IP' with the wording 'Instrument Panel.'" (Brief, p. 7) Applicant acknowledges that its goods will be mounted to or on the instrument panel of an aircraft, but maintains they are not an instrument panel as such. In this regard, applicant submitted the following definition of instrument panel taken from The American Heritage Dictionary:

**instrument panel:** a mounted array of instruments used to operate a machine, especially the dashboard of an automotive vehicle, aircraft, or motorboat.

Further, applicant argues that the Examining Attorney has not considered the mark in its entirety, but rather has

ignored the virgule in the mark. Applicant argues that the virgule serves to separate PILOT'S and IP, such that "even [if] the phrase 'pilot's ip' has a descriptive meaning with respect to applicant's goods, when the virgule is interposed between the terms 'PILOT'S' and 'IP' that 'descriptive' meaning is notably changed and becomes far less apparent or meaningful to one who views the mark or hears it spoken." (Brief, p. 13). Applicant submitted the complete results of a search of the Acronym Finder on-line database, which returned 67 "hits" for the IP acronym with the most common definition being "Internet Provider."

It is well settled that a term is merely descriptive of goods or services, within the meaning of Section 2(e)(1), if it immediately conveys information concerning an ingredient, quality, characteristic or feature thereof, or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. See *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978). It is not necessary that a term or phrase describe all of the properties or functions of the goods or services in order for it to be considered merely descriptive thereof; rather, it is sufficient if the term or phrase describes a significant attribute or idea about them.

The question of whether a particular term or phrase is merely descriptive must be determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which the term or phrase is being used on or in connection with those goods or services, and the possible significance that the term or phrase is likely to have to the average purchaser of the goods or services because of the manner in which it is used. See *In re Bright-Crest, Ltd.* 204 USPQ 591 (TTAB 1979).

On the other hand, a mark is suggestive if, when the goods or services are encountered under the mark, a multistage reasoning process, or resort to imagination, is required in order to determine the attributes or characteristics of the product or services.

We have carefully considered the evidence of record and the arguments made by applicant and the Examining Attorney, and we conclude that PILOT'S/IP is not merely descriptive as applied to the identified goods. While we have no hesitation in finding that the word PILOT'S is descriptive of the goods since they are intended for use by aircraft pilots, we are not persuaded, on this record, that IP is descriptive of the goods. As the Board stated in

Racine Industries Inc. v. Bane-Clene Corp., 35 USPQ2d 1832,  
1838 (TTAB 1994):

It is possible for initial letters to become so associated with descriptive words as to become descriptive themselves . . . It does not follow, however, that all initials or combinations of descriptive words are ipso facto unregistrable. While each case must be decided on the basis of the particular facts involved, it would seem that, as a general rule, initials cannot be considered descriptive unless they have become so generally understood as representing descriptive words as to be accepted as substantially synonymous therewith.

In this case, the single excerpt from Acronym Finder is simply insufficient to establish that the relevant public would understand IP to mean instrument panel. As noted by applicant, there are sixty-six other "definitions" of IP in the Acronym Finder database. Although not all of the definitions would be pertinent in the context of an integrated avionics display system, there are several that may be relevant, e.g. "Image Processing." In view thereof, and in the absence of any other probative evidence with respect to the meaning of IP in the field of avionics, e.g., NEXIS stories or dictionary excerpts, we question whether the relevant public would immediately understand IP in applicant's mark to mean instrument panel. Thus, even if we were to find that instrument panel is descriptive of

the identified goods, this record does not establish that IP would be equally descriptive thereof.

Based on the record before us, we conclude that the mark PILOT'S/IP, when considered as a whole for use in connection with an integrated avionics display system, is not merely descriptive.

We readily admit that our determination on this issue is not free from doubt; however, in accordance with our practice, we must resolve that doubt in applicant's behalf. See *In re Rank Organization Ltd.*, 222 USPQ 324, 326 (TTAB 1984) and cases cited therein.

**Decision:** The refusal to register is reversed.