

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT  
OF THE TTAB

Mailed:  
July 3, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

In re Station Casinos, Inc.

---

Serial No. 76/267,990

---

Brian A. Rupp of Quirk & Tratos for Station Casinos, Inc.

Paul F. Gast, Trademark Examining Attorney, Law Office 106  
(Mary I. Sparrow, Managing Attorney).

---

Before Hanak, Hohein and Rogers, Administrative Trademark  
Judges.

Opinion by Hanak, Administrative Trademark Judge:

Station Casinos, Inc. of Las Vegas, Nevada (applicant)  
seeks to register E-SLOTS in typed drawing form for "casino  
services." The intent-to-use application was filed on June  
5, 2001.

Citing Section 2(e)(1) of the Trademark Act, the  
Examining Attorney has refused registration on the basis  
that applicant's mark is merely descriptive of applicant's

services. When the refusal to register was made final, applicant appealed to this Board. Applicant and the Examining Attorney filed briefs. Applicant did not request a hearing.

As has been stated repeatedly, "a term is merely descriptive if it forthwith conveys an immediate idea of the ingredients, qualities or characteristics of the goods [or services]." In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978); Abercrombie & Fitch Co. v. Hunting World, Inc., 537 F.2d 4, 189 USPQ 759, 765 (2<sup>nd</sup> Cir. 1976). Moreover, the descriptiveness of a term is not decided in the abstract, but rather is decided in relationship to the goods or services for which registration is sought. Abcor Development, 200 USPQ at 218. Finally, a word or phrase is "descriptive though it merely describes one of the qualities or properties of the goods [or services]." In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

To begin with, we note that applicant has never disputed the fact that the word "slots" is an abbreviated form of the term "slot machines." In this regard, we note that one of the definitions of the word "slot" is as follows: "Informal. Slot machine." The term "slot machine" is defined as follows: "A gambling machine operated by

inserting coins into a slot and pulling down a long handle attached to its side." Random House Webster's Dictionary (2001).

Likewise, there is no dispute that in recent times manufacturers have developed slot machines which are electronic, thereby eliminating the need for a player to pull a long handle. Furthermore, in recent times on-line gambling has become quite popular and the term "e slot(s)" is routinely used to denote slot machines which can be played via the Internet. In this regard, the Examining Attorney has made of record numerous Internet stories where the term "e slot(s)" is used to name a type of gambling where a player accesses an e slot via the Internet.

In view of the foregoing, we find that applicant's "mark" E-SLOTS is highly descriptive of a type of casino service. Obviously, applicant could not register "slots" for casino services any more than it could register "blackjack" or "poker" for casino services. In similar fashion, applicant can simply not register "e-slots" for casino services. In this regard, applicant's attention is drawn to the following Board cases where the addition of the letter E to a descriptive or generic term did not result in a registerable mark. In re SPX Corp., 63 USPQ2d 1592 (TTAB 2002); In re Styleclick.com Inc., 57 USPQ2d 1445

(TTAB 2000); and Continental Airlines Inc. v. United Air Lines Inc., 53 USPQ2d 1395 (TTAB 2000).

One final comment is in order. At page 2 of its brief applicant argues "that if a mark clearly does not tell potential consumers what the services are ... then the mark is not 'merely descriptive.'" At page 3 of its brief applicant goes on to note that the letter E can conjure up images of entertainment or excitement. To begin with, we note that applicant has articulated an incorrect test for determining whether a mark is merely descriptive. In order to be held merely descriptive, a mark does not need to inform consumers what the services are. Rather, the correct test for descriptiveness is whether a consumer knowing of applicant's services and seeing applicant's mark would immediately obtain an understanding of at least one quality or characteristic of said services. However, having said the foregoing, we believe that the Examining Attorney's Internet evidence is so compelling that in this case a consumer simply seeing the term "e-slots" in a vacuum understands that the term refers to electronic slot machines or slot machines that can be played via the Internet. As for applicant's claim that the letter E can conjure up images of entertainment and excitement, we

Ser. No. 76/267,990

simply note that applicant has offered no proof in support of this contention.

Decision: The refusal to register is affirmed.