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Mailed: February 11, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Innovation Development Group, Inc.

Serial No. 76207565

Robert E. Marsh for Innovation Development Group, Inc.

Toni Y. Hickey, Trademark Examining Attorney, Law Office
115 (Tomas Vlcek, Managing Attorney).

Before Sams, Hanak and Bucher, Administrative Trademark
Judges.

Opinion by Hanak, Administrative Trademark Judge:

Innovation Development Group, Inc. (applicant) seeks to register TICK TAPE in typed drawing form for a "hand tool for removing insects attached to human or animal hosts." The intent-to-use application was filed on February 12, 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 goods. 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.

A mark is merely descriptive pursuant to Section 2(e)(1) of the Trademark Act if it immediately conveys information about a significant quality or characteristic of the relevant goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 791 F.2d 157, 229 USPQ 818, 819 (Fed. Cir. 1986). Moreover, a mark need only describe one significant quality or characteristic of the relevant goods or services in order to be held merely descriptive. In re Gyulay, 3 USPQ2d at 1010.

During the examination process, applicant submitted a United States Patent Application describing the device on which it proposed to use the mark TICK TAPE. The Abstract to this application reads, in part, as follows: "A device for the removal of insects, particularly ticks, from a human or animal host includes a foam backing with an adhesive surface that folds along a central folding axis. The adhesive surface will adhere to the body of the tick while the device is pulled away from the skin, resulting in the removal of the tick." At page 3 of its brief, applicant concedes that the word "tape" can mean an "adhesive tape." However, applicant contends that not all

tapes are adhesive tapes and that applicant selected the name TICK TAPE as a "variation on the antiquated term 'ticker tape.'" (Applicant's brief page 3).

The mere descriptiveness of a mark is not judged in the abstract, but rather is judged in relationship to the goods or services with which the mark is used. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 216 (CCPA 1978). When used in connection with a hand tool for removing insects attached to human or animal host, we find that the mark TICK TAPE would immediately indicate that one component of this hand tool is an adhesive tape and that the hand tool is particularly useful for removing ticks. Accordingly, we find that the mark is merely descriptive of applicant's goods.

Decision: The refusal to register is affirmed.