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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Leoni Engineering Products & Services Inc.

Serial No. 78373781

Julie A. Greenberg of Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C. for Leoni Engineering Products &
Services Inc.

Suzanne Blane, Trademark Examining Attorney, Law Office 114
(K. Margaret Le, Managing Attorney).

Before Seeherman, Hairston and Cataldo, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Leoni Engineering Products & Services Inc. has
appealed from the final refusal of the trademark examining
attorney to register DRESSPACK for goods ultimately
identified as "robotic cable assemblies being parts for
industrial robots, consisting of integral electric cables,

data cables, and hoses.”¹ Registration has been refused pursuant to 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 the identified goods.

Applicant and the examining attorney have filed briefs. An oral hearing was initially requested, but applicant withdrew the request.

The examining attorney contends that:

The proposed mark, DRESSPACK, is merely descriptive of applicant’s goods because the average consumer of industrial robotic equipment would know that the applicant’s robotic cable assemblies are dress packs that customize robots for specific uses. The examining attorney has provided evidence that to “dress” a robot is to attach various parts to the robot with the purposes of enabling the robot to perform various functions. Moreover, the evidence reveals the term “dress package” or “dress pack,” as commonly used in the robotics field, to be a system of varied attachments for robotic use, the goods identified by the applicant. (Brief at p. 3).

Applicant, on the other hand, argues that the term DRESSPACK does not have any meaning as applied to the identified goods, and that the uses of DRESSPACK in the evidence submitted by the examining attorney are all references to applicant’s product. Further, applicant contends that DRESSPACK “conveys at most the image of an

¹ Application Serial No. 78373781, filed February 25, 2004, which alleges a date of first use anywhere and in commerce of February 9, 2004.

packs [sic] for dresses used in retail" (Brief at p. 6), and that any doubt as to whether DRESSPACK is merely descriptive of applicant's goods must be resolved in applicant's favor.

The examining attorney and applicant submitted evidence in support of their respective positions. The examining attorney submitted the following dictionary definitions²:

dress: Mechanical engineering: To shape a tool or material. Academic Press Dictionary of Science and Technology (1992).

pack: 4a. A complete set of related items: a pack of cards. The American Heritage Dictionary of the English Language (Fourth edition 2000).

package: f. a collection of related items. Merriam-Webster's Collegiate Dictionary (Tenth edition 1998).

The examining attorney also submitted materials taken from various Internet websites which show uses of "**dress[ing];**" "**dress packages;**" and "**dress packs/dresspacks**" in connection with industrial robots. The following are representative examples:

Dressing for Success: Robots Find New Ways to Impress

Recent changes to spot welding solutions also extend beyond the weld gun. "Robot companies are

² These definitions were submitted with the examining attorney's brief. We grant the examining attorney's request that we take judicial notice of these definitions. *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 213 USPQ 594, 596 (TTAB 1982), *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983).

providing ways of integrating the **dress**-that's been a big plus for us," said GM's principal engineer of welding technology, Joe Speranza. "The robot companies have redesigned the robot with welding applications in mind." Although their weld guns work with many robot actuators, ComauPICO's Nickesh said, "In our robot, all of the **dress**ing goes through the wrist. Power goes through the arm of the robot, and reduces worries about damage and changing weld guns in the future since the power delivery system is integrated. With these designs, your weld gun choice isn't limited to the capabilities of the robot."
(<http://www.roboticsonline.com>)

KUKA offers uniquely designed, standardized **dress packages** with a host of advantages. The right solution for every application. KUKA offers an integrated factory-installed **dress package** that is suitable for 90% of all applications - in terms of both reach and resistance to wear. In special cases, however, we will be happy to offer a custom solution or adapt the **dress package** to suit your application. The advantages of KUKA's integrated **dress packages** include the closely defined routing on the robot, practically free of interference contours, and the high degree of flexibility, durability and ease of maintenance.
(<http://www.kuka.com>)

Norgren valve technology helps KUKA deliver streamlined robots
Pneumatics expert Norgren has helped the global specialist in industrial robots, KUKA, deliver quick and effective end-of-arm tooling solutions for its customers.
KUKA understands that for fast implementation and smooth changeover to new or modified production lines, it is essential to be able to install and set up the end-of-arm tooling as quickly and efficiently as possible.
Historically, one major area of concern was so-called "Robot **Dressing**," the mass of cabling and tubing around the robot. In the automotive industry, where [a] manufacturing plant consists

of numerous cells involving a large variety of handling tasks spread over large areas and distances, the industrial robot is dominant. Here, "Robot **Dressing**" can be a major headache. (<http://www.pneumaticsonline.com>)

Physical Testing Laboratory
Fusion Welding Solutions, Inc. operates a complete independent, third-party Physical Testing Laboratory specializing in the testing and analysis of tooling components for the automotive and welding industries.

Physical Testing Services
-Robot **Dress** Components
 -Hose and Fittings
 -Water Shutoff Units
 -I/O Blocks
 -Safety Relays
(<http://www.fusionwelding.com>)

Peripheral Equipment
Your total system solution may consist of additional peripheral devices that are unique to your application and material requirements. To meet this need, Nordson Automotive offers pedestals, robot **dress packages**, filters, temperature conditioning units, material headers and much more.
(<http://www.nordson.com>)

Watteredge, Inc. is a valued supplier to the resistance welding industries. Contact our sales department to discuss:
-Prime Series Transqun Cable
-Electrodes
-Strain relief, cable hangers, abrasion covers, copper tube, and other consumable items
-Robot **dress packages**
-Insulation, washers, bolts
(<http://www.watteredge.com>)

Cable And Hose Systems Suited For Outfitting
Robots

November 2002

Also called **dresspacks** or umbilicals, the company's fully assembled cable and hose systems have been developed for routing power, data and media to industrial robots. The assemblies are said to extend the life of robotics cables and hoses by up to 10 times normal life expectancy. The umbilical consists of a flexible polyurethane jacket and contains all the needed components to supply a welding robot with water, air, vacuum, electricity, and communications. Each **dresspack** includes boots that are mounted with patented bracket modules. An entire system consists of posts, brackets, boots, and umbilical and can absorb the kinetic energy generated by the robot. Each **dresspack** is custom designed to user specifications. A black **dresspack** that uses a corrugated protective shell is also available. For further information and pricing, contact LEONI EPS, Troy, MI. (248)655-1900.

<http://www.eepn.com/Locator/Products/ArticlesID>)

No more spaghetti, please

-Integrated robot **dress packs**, or umbilicals, combine power and data cables, as well as pneumatic and hydraulic hoses, into a single protective jacket. The units are slowly replacing conventional "spaghetti" methods of **drressing** industrial robots with loose bundles of individual cables and hoses.

-Fanuc Robotics America Inc., Rochester Hills, Mich., was one of the first robotics companies to provide a robot with a complete **dress package** for a large project at one of the Big Three automakers. The retooling project was for a new vehicle and would encompass over 350 robots which handled spot welding, material handling, and a combination of both functions.

<http://www.machinedesign.com/ASP>)

Dress packs, or umbilicals, supply spot welding and material handling robots with water, air, vacuum, power and communications. Each flexible umbilical includes boots which mount on the robot with a patented bracket system. The entire system (posts, brackets, boots, and polyurethane-covered umbilical) absorbs kinetic energy generated by the robot and welding operations.

The 35,000 to 40,000 spot welding and material-handling robots in North American automotive body shops have historically been outfitted or **dressed** with a hodgepodge of customized brackets, hoses, and cables. This is changing with the development of standardized **dress-out** products. (<http://www.machinedesign.com/ASP>)

FULLY ASSEMBLED CABLE AND HOSE SYSTEMS for industrial robots

Dress packs - or umbilicals - provide all power, data and media needed to make a robot work. The umbilical is an extremely flexible and protective polyurethane (PUR) jacket which contains all components to supply a welding or handling robot with water, air, vacuum, electricity and communications. Each **dress pack** includes boots, which are mounted on the robot with patented bracket modules. The entire system - posts, brackets, boots and umbilical - is designed to absorb kinetic energy generated by the rugged robot and welding operations. In LEONI'S yellow **dress packs**, all components are extruded into the umbilical shell to form a linear spring system that absorbs and distributes the stresses and loads throughout the entire module—not through a single component.

LEONI Elocab

(<http://www.cienmagazine.com/issues/2003/oct03>)

D & R Solutions

Product Expertise

-Wire & Cable

-Cord Grips

-Limit + Toggle + Ball Actuated Switches

-Temperature Sensors/Switches

-Linear Position Sensors

- Connectors
 - IEC 60309 Receptacles and Assemblies
 - International Cord Sets & Assemblies
 - Cable Track and Populated Track Assemblies
 - Robotic **Dress Packs** + Umbilical Systems
- (<http://www.drsgroup.com/manufacturer-product-expertise.htm>)

Hans-Andreas Fein & Associates
Market & product expertise
Automation and electromechanical products

- Electrical automation systems
- Sensors and switches
- Identification systems
- Linear displacement feed-back devices
- Contact pins for connectors/semiconductors
- Robot **dress packs** and cables
- Distribution boxes on machines
- Frequency converters and transformers
- Various kinds of electrical drives
- Low voltage switch cabinets
- (Electro)technical facility equipment

<http://www.andreasfein.de/andyfeinmarketing>

Lastly, the examining attorney has submitted materials taken from applicant's own website which show use of

"dresspack" :

The LEONI Group
Company Profile
Distribution of special cables, **dresspacks** and complete systems solutions for the robotics business.
Production of water and air-cooled welding jumpers.
Dresspack production.
Complete mounting, optimization, start-up and final check of **dresspack** installation onsite.
(<http://www.leoni.de/frameset>)

Applicant submitted the declaration of its General Manager, Mark Eisemenger, who states that he has extensive experience in the robotics industry, that there is no

descriptive meaning of the term DRESSPACK in the robotics industry with which he is aware; that "the term DRESSPACK is a proprietary trademark which refers to Leoni's robotics assembly in particular;" that he has reviewed the materials submitted by the Examining Attorney and the uses of DRESSPACK therein are references to applicant's product; and that he co-authored the text in some of the materials submitted by the examining attorney.

A term is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, 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). A term need not immediately convey an idea of each and every specific feature of the applicant's goods or services in order to be considered to be merely descriptive, rather it is enough that the term describe one significant attribute, function or property of the goods or services. In re H.U.D.D.L.E., 216 USPQ 358 (TTAB 1982); In re MBAssociates, 180 USPQ 338 (TTAB 1973). 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 the goods or services because of the manner of its use; that a term may have other meanings in different contexts is not controlling. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

We find that the evidence establishes that DRESSPACK is merely descriptive of the goods identified in the application, "robotic cable assemblies being parts for industrial robots, consisting of integral electric cables, data cables, and hoses." First, it is clear from the evidence of record that "dress[ing]" (noun) is a term of art in the robotics field used to identify cable and hoses attached to an industrial robot. Applicant does not dispute this. Second, as evidenced by the dictionary definition, the term "pack" means a complete set of related items. As identified, applicant's goods are "robotic cable assemblies being parts for industrial robots, consisting of integral electric cables, data cables, and hoses." Thus, applicant's robotic cable assemblies, which are complete sets of related cables and hoses, clearly fall within the parameters of the dictionary definition of "pack." Each of the individual terms, DRESS and PACK, has descriptive

significance as applied to applicant's goods. The combined term DRESSPACK is equally descriptive in that it immediately conveys that applicant's product consists of a complete set of cables and hoses for industrial robots, i.e., a "dress pack." The fact that applicant joins the words "dress" and "pack" without a space does not change the commercial impression and does not change the descriptiveness of the words.

In addition, the Internet evidence submitted by the examining attorney shows that "dress packages" and "dress pack" are used in a descriptive manner to refer to cable and hose systems for industrial robots. This also supports the conclusion that when the relevant purchasers encounter the term DRESSPACK, which has the identical meaning as "dress packages" and "dress pack," they would likewise believe it is descriptive of applicant's goods.

Insofar as the Internet evidence which shows use of "dresspack" is concerned, applicant's general manager maintains that these are references to applicant's goods. Nonetheless, these materials, including the materials from applicant's own website, show use of "dresspack" in a descriptive manner. Even without such evidence, however, the other Internet evidence showing use of "dress pack" and "dress packages" and the meaning of the individual elements

combined in the term "dresspack" is sufficient to establish that such term is merely descriptive as applied to applicant's goods. The fact that applicant may be the first and only user of DRESSPACK does not justify registration of the term where the only significance projected by the term is merely descriptive, as we find to be the case here. In re National Shooting Sports Foundation, Inc., 219 USPQ 1018 (TTAB 1983).

Two additional arguments made by applicant require comment. Applicant argues that the term DRESSPACK could be understood to mean "packs" for dresses. This argument suggests that the mark should be viewed in the abstract. However, it is well settled that "[t]he question is not whether someone presented with only the mark could guess what the goods or services are. Rather, the question is whether someone who knows what the goods or services are will understand the mark to convey information about them." In re Tower Tech Inc., 64 USPQ2d 1314, 1316-17 (TTAB 2002).

Finally, with respect to applicant's argument regarding resolving any doubt as to descriptiveness in its favor, we agree with the general proposition. However, in this case, we have no doubts as to the descriptiveness of the term DRESSPACK as applied to applicant's goods.

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Accordingly, we conclude that applicant's mark, when applied to its identified goods, is merely descriptive of them.

Decision: The refusal to register is affirmed.