

Hearing:  
March 7, 2000

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

Paper No. 18  
RLS/HER

9/20/00

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Strategic Weather Services, L.P.

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Serial No. 75/196,405

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Rachel Brendzel of Blank Rome Comisky & McCauley for  
Strategic Weather Services, L.P.

Paula Mays, Trademark Examining Attorney, Law Office 114  
(Conrad Wong, Managing Attorney)

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Before Simms, Quinn and Walters, Administrative Trademark  
Judges.

Opinion by Simms, Administrative Trademark Judge:

Strategic Weather Services, L.P. (applicant), a  
Pennsylvania limited partnership, has appealed from the  
final refusal of the Trademark Examining Attorney to  
register the asserted mark THE WORLD WIDE WEATHER NETWORK  
for the following services:

providing short and long range  
weather information services  
particularly for event planning  
provided via a global computer  
network, television, cable, fax and  
telephone and computer services  
namely providing access to an

interactive Web site in the weather field.<sup>1</sup>

The Examining Attorney has refused registration under Section 2(e)(1) of the Act, 15 USC §1052(e)(1), arguing that applicant's mark merely describes the nature, feature, or characteristic of applicant's weather information services; that is, applicant provides weather information worldwide by means of computer and other communications networks. Applicant and the Examining Attorney have submitted briefs and an oral hearing was held.

We affirm.

Relying upon dictionary definitions of "worldwide" and "network,"<sup>2</sup> the Examining Attorney argues that applicant's mark is merely descriptive of applicant's services because applicant provides weather information by means of various media networks. According to the Examining Attorney, the composite mark does not create a mark with a separate, non-descriptive meaning, and no imagination or thought is required to determine the nature of applicant's services. The Examining Attorney argues that someone "surfing the

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<sup>1</sup> Application Serial No. 75/196,405, filed November 12, 1996, based upon applicant's allegation of a bona fide intention to use the mark in commerce.

<sup>2</sup> Webster's II New Riverside University Dictionary defines "worldwide" as "Reaching or extending throughout the world: UNIVERSAL." The same dictionary defines "network" as, among other things, "A chain of interconnected broadcasting stations,

net" or watching television will immediately understand the nature of applicant's services by the mark sought to be registered. The Examining Attorney argues that, whether one views the word "WORLDWIDE" as indicating that applicant's services are available in foreign countries or views this term as signifying that weather conditions around the world would be available by use of applicant's services, both meanings are descriptive, as is the entire phrase. The Examining Attorney has submitted some evidence of descriptive use of "weather network," such as news articles referring to the Weather Channel as a "weather network."<sup>3</sup> The Examining Attorney concludes that applicant's mark is merely descriptive because it clearly indicates that applicant's services involve the providing of weather information by television, telecommunications or computer networks.

Applicant states that it is a leading private weather company specializing in long-range weather forecasting for weather-sensitive businesses and industries. Applicant further states that it is not an organization of

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usu. sharing a large proportion of their programs <a TV network>."

<sup>3</sup> We note that much of the Examining Attorney's material is from foreign news sources or wire services. This material has been given little or no weight. In re Urbano, 51 USPQ2d 1776, 1778 fn. 3 (TTAB 1999) and cases cited there.

meteorological offices located around the world, nor a network of broadcast stations.

Applicant does not run a "network" of affiliated broadcast stations. Applicant's service is a "network" only in a fanciful broad sense that it is available through the Internet, which is sometimes seen as a "network".

Response, filed August 25, 1998, p. 4. It is applicant's position that its asserted mark is suggestive because it requires some thought and imagination to determine the precise nature of applicant's services. Among other reasons, applicant argues that its mark has a variety of meanings. These include that applicant's services are available worldwide or that applicant provides information about weather conditions existing throughout the world. The latter meaning, according to applicant, does not describe its information services. Further, applicant argues that, while an argument may be made that the individual components of its mark are descriptive, the entire phrase is "inventive" and evokes a unique commercial impression. This is enhanced, according to applicant, by the "alliterative cadence" which causes its mark to possess a connotation separate and apart from any meaning attributed to the individual words. As such, applicant's asserted mark becomes a source identifier, according to

applicant. Because applicant's mark does not immediately convey information that applicant offers weather services and because competitors do not need to use this phrase to describe their services, applicant argues for registrability of its mark.<sup>4</sup> Finally, applicant asks us to resolve any doubt about the descriptiveness of its mark in its favor and publish the mark for opposition.

Upon careful consideration of this record and the arguments of the attorneys, we agree with the Examining Attorney that applicant's asserted mark THE WORLD WIDE WEATHER NETWORK is merely descriptive of applicant's weather information services. Of course, the Board may look at the individual components of an asserted mark and discuss their descriptive connotations in the context of determining the mere descriptiveness of an entire phrase. See *In re Hester Industries, Inc.*, 230 USPQ 797 (TTAB 1996). We believe that the public, upon seeing applicant's asserted mark in its entirety in connection with applicant's services, is immediately apprised of the nature of applicant's services, which are either available

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<sup>4</sup> While the Examining Attorney required a disclaimer, in her second Office action, applicant maintains that this requirement should be considered withdrawn. We agree. The Examining Attorney did not repeat the requirement for a disclaimer of the word "NETWORK" in the final refusal, nor did the Examining Attorney discuss the disclaimer requirement at all in her appeal

worldwide or entail the provision of information about worldwide weather conditions, by means of various communications networks including television and the Internet. It seems to us that no imagination or thought is necessary to determine the nature of applicant's services.

Decision: The refusal of registration is affirmed.

R. L. Simms

T. J. Quinn

C. E. Walters  
Administrative  
Trademark Judges,  
Trademark Trial and  
Appeal Board

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brief. Applicant considered this requirement withdrawn, as do we. See TMEP §1105.04(d).