THIS DISPOSITION
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OF THE T.T.A.B.

30 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Innovation Development Group, Inc.

Serial No. 76207565

Request for Reconsideration

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) filed a timely Request for Reconsideration of this Board's decision of February 11, 2004 affirming the refusal to register pursuant to Section 2(e)(1) of the Trademark Act on the basis that applicant's mark TICK TAPE was merely descriptive of at least one component of applicant's goods, namely, a "hand tool for removing insects attached to human or animal hosts."

Applicant argues at page 2 of its Request for Reconsideration that "the TTAB, like the Examining Attorney, improperly treats the term 'tape' as synonymous with 'adhesive.'" However, in the very next paragraph of its Request for Reconsideration applicant acknowledges that in its brief it conceded "that 'tape' can mean 'adhesive tape.'"

As we noted at page 3 of our decision, 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 conjunction with a hand tool for removing insects attached to human or animal hosts, we found that in that context consumers would immediately understand the word TAPE in applicant's mark to indicate an adhesive tape, and that consumers would likewise understand the word TICK in applicant's mark as indicating that the hand tool is particularly useful for removing ticks.

Decision: The Request for Reconsideration is denied.