

THIS DISPOSITION  
IS NOT CITABLE AS  
PRECEDENT OF  
THE TTAB

Mailed: September 30, 2002

Paper No. 15

CEW

UNITED STATES PATENT AND TRADEMARK OFFICE

-----  
Trademark Trial and Appeal Board  
-----

In re Philips Electronics North America Corporation  
-----

Serial No. 75/582,326  
-----

Gregory L. Thorne, Esq. for Philips Electronics North  
America Corporation.

Tracy Cross, Trademark Examining Attorney, Law Office 103  
(Michael Hamilton, Managing Attorney).  
-----

Before Simms, Quinn and Walters, Administrative Trademark  
Judges.

Opinion by Walters, Administrative Trademark Judge:

Philips Electronics North America Corporation has  
filed an application to register on the Principal  
Register the mark NETDISPLAY for "video displays  
connected to one or more servers through a digital  
network, allowing users to interact with applications

Serial No. 75/582,326

which are executed on a server."<sup>1</sup> The Trademark Examining Attorney has issued a final refusal to register, under 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 in connection with its goods.

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but an oral hearing was not requested. We affirm the refusal to register.

The Examining Attorney contends that applicant's mark is merely descriptive in connection with the identified goods because "net" is a common abbreviation for "network" and it also refers to the "Internet"; applicant provides "displays" for use with "networks" and/or the "Internet"; and the combination of the two merely descriptive words, "net" and "display," does not evoke a new and unique commercial impression. The Examining Attorney submitted evidence in the form of dictionary definitions of "net" and "display," excerpts from Internet web sites, including applicant's web site, third-party registrations, and excerpts of articles retrieved from the LEXIS/NEXIS database.

---

<sup>1</sup> Serial No. 75/582,326, in International Class 9, filed November 3, 1998, based on an allegation of a bona fide intention to use the mark in commerce.

Applicant contends that its mark is only suggestive; that "net" and "network" have many possible meanings, including "something used to catch or ensnare" or "final; totally conclusive"; and that, even if "net" is perceived as an abbreviation of "network," NETDISPLAY does not have a readily understood meaning, *i.e.*, the goods do not display the net, nor do the goods display a group of work stations or systems. Applicant submitted third-party registrations of marks containing the term "net" to demonstrate the registrability of that term. Applicant requests that doubt be resolved in its favor.

The record contains a substantial amount of evidence, which we summarize below.

The Examining Attorney submitted several definitions of "net" and "display" and applicant submitted a definition of "network." The relevant definitions for these terms are shown below.

"net" - 1) "net" is one of the top-level domain names that can be used when choosing a domain name. It generally describes the entity owning the domain name as an organization that administers or provides network connection services. Along with the second-level domain name (for example, "mhv" in mhv.net), the top-level domain name is required in Web and e-mail addresses. 2) Net (capitalized or not) is sometimes used as a short form for "Internet." [TechEncyclopedia, [www.techweb.com](http://www.techweb.com), November 6, 2001.]

"display" - A display is a computer output surface and projecting mechanism that shows text and often graphic images to the computer user, using a cathode ray tube (CRT), liquid crystal display (LCD), light-emitting diode, gas plasma, or other image projection technology. The display is usually considered to include the screen or projection surface and the device that produces the information on the screen. ... [TechEncyclopedia, [www.techweb.com](http://www.techweb.com), November 6, 2001.]

"display" - *verb intransitive. Computer Science.* To provide information or graphics on a screen. *Noun. 6. Computer Science.* A device that gives information in a visual form, as on a screen. B. A visual representation of information. [The American Heritage Dictionary of the English Language, 3<sup>rd</sup> ed. 1992.]

"net" - 6. *Computer Science.* See network. [The American Heritage Dictionary of the English Language, 3<sup>rd</sup> ed. 1992.]

"network" - 5. a computer or telecommunications system linked to permit exchange of information. [Random House Webster's College Dictionary, 2<sup>nd</sup> ed. 1997.]<sup>2</sup>

Applicant submitted third-party registrations with no disclaimers of "net," including, *inter alia*, NETFRAME for computer network servers; NETV for television broadcasting services and electronic transmission of data and documents via computer terminal; NETSET for, *inter alia*, headsets, handsets and earsets for use with

---

<sup>2</sup> Applicant submitted this definition to demonstrate that "network" has many definitions that are quite different from one another. However, we remind applicant that, for the purpose of determining mere descriptiveness, it is those meanings of the term that can reasonably be understood in relation to the identified goods that are relevant.

Serial No. 75/582,326

computers; VIDEONET for computerized print image transfer signaling software for printers; and NETSTATION for an electronic device allowing online interactive communication.

The Examining Attorney submitted third-party registrations that include disclaimers of "net," including, *inter alia*, NET TUTOR and design for on-line bulletin board; NET TUNER for Internet browsing software; NET EXPLORATIONS for software for creating web sites; and NET SCREEN for computer hardware and software for obtaining consumer product information from the Internet.

The Examining Attorney also submitted third-party registrations that include disclaimers of "display" for marks identifying, *inter alia*, electronic and mechanical signage products and for electroluminescent display screens and computer display monitors.

The LEXIS/NEXIS excerpts that the Examining Attorney submitted show one use of the term "net" to refer to the Internet and numerous uses of the term "Internet display," a good number of which simply include the terms "Internet" and "display" within the same paragraph. She also submitted a copy of the results of a search using the Google search engine. However, the excerpts are too brief to determine the context and, further, all of the

Serial No. 75/582,326

uses of "NetDisplay" appear to be trademark uses, which may or may not refer to applicant. We find these LEXIS/NEXIS excerpts and Google search results to be of little probative value herein.

The Examining Attorney submitted an excerpt from applicant's Internet web site and a third-party web site. Applicant's web site ([www.components.philips.com](http://www.components.philips.com) November 6, 2001) includes a section entitled "Display Technologies" and includes the following statements, which we find to be very probative:

"Missing the Picture? Philips Components is the world leader in displays. Of the 17 display technologies either in production or development, Philips is involved in 12 - more than any other player."

In the world of displays, when a new technology arises, the situation can change overnight..."

"Philips Components launches internet display module"

"Philips ... today unveiled the consumer electronics industry's only in-panel, system-board integrated touch-screen liquid crystal display-centric Internet appliance products. Philips Net Display Modules are designed to standardize the enabling architecture of Internet appliances ..."

The third-party Internet web site describes itself as "The Technology Site for Engineers and Technical Management," [www.eetimes.com](http://www.eetimes.com) November 6, 2001. It contains the following statement:

The first generation of Internet appliances will do quite nicely with passive liquid-crystal displays (LCDs), thank you, but the picture will grow more complicated with coming generations as active-matrix (AM) LCDs get into the game.

Farther out on the horizon, there's more than a handful of alternative display technologies in development that will vie for display slots in appliances.

The test for determining whether a mark is merely descriptive is whether it immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of the product or service in connection with which it is used, or intended to be used. *In re Engineering Systems Corp.*, 2 USPQ2d 1075 (TTAB 1986); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979). It is not necessary, in order to find that a mark is merely descriptive, that the mark describe each feature of the goods or services, only that it describe a single, significant quality, feature, etc. *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985). Further, it is well-established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork, but in relation to the goods or services for which registration is sought, the context in which the mark is used, and the impact that it is likely

to make on the average purchaser of such goods or services. *In re Recovery*, 196 USPQ 830 (TTAB 1977).

Based on the evidence of record, particularly applicant's own web site and the use of the term in its identification of goods, applicant's product is a "video display." Thus, the term "display," as defined herein, is merely descriptive, if not generic, of applicant's product. Further, the evidence of record clearly establishes that "net," in connection with the identified goods, refers to the Internet. The combination of the two terms into NETDISPLAY does not change the appearance or connotation of the terms, either individually or as a compound term.

In conclusion, when applied to applicant's services, the term NETDISPLAY immediately describes, without conjecture or speculation, a significant feature or function of applicant's goods, namely that applicant's product is an "Internet display module." Nothing requires the exercise of imagination, cogitation, mental processing or gathering of further information in order for purchasers of and prospective customers for applicant's services to readily perceive the merely descriptive significance of the term NETDISPLAY as it pertains to applicant's goods.

Serial No. 75/582,326

*Decision:* The refusal under Section 2(e)(1) of the Act is affirmed.