

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: July 2, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Lewitt, Hackman, Shapiro, Marshall & Harlan

Serial No. 98115823

Tal Grinblat of Lewitt, Hackman, Shapiro, Marshall & Harlan,
for Lewitt, Hackman, Shapiro, Marshall & Harlan.

Robin Womeodu, Trademark Examining Attorney, Law Office 120,¹
David Miller, Managing Attorney.

Before Wellington, English, and O'Connor,
Administrative Trademark Judges.

Opinion by Wellington, Administrative Trademark Judge:

Applicant, Lewitt, Hackman, Shapiro, Marshall & Harlan, is a law firm and has applied to register **JUSTICENTER** (in standard characters) on the Principal Register for “Attorney services; Attorney services, namely, representation of clients in personal injury matters; Legal services,” in International Class 45.²

¹ The identified Examining Attorney was assigned responsibility for the application on March 17, 2025, after the appeal was filed.

² Application Serial No. 98115823 was filed on August 3, 2023 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s claim of a bona fide intent to use the mark in commerce.

The Trademark Examining Attorney finally refused registration of Applicant's proposed mark on the ground that it is merely descriptive of the recited services under Section 2(e)(1) of the Trademark Act ("the Act"), 15 U.S.C. § 1052(e)(1).

Applicant requested reconsideration of the refusal, which was denied, and Applicant then filed an appeal. The appeal has been fully briefed. For the reasons discussed below, we affirm the refusal to register.

Mere Descriptiveness

In the absence of acquired distinctiveness, which Applicant does not claim here, Section 2(e)(1) of the Act prohibits registration on the Principal Register of "a mark which, (1) when used on or in connection with the goods [or services] of the applicant is merely descriptive . . . of them." 15 U.S.C. § 1052(e)(1). A term is "merely descriptive" within the meaning of Section 2(e)(1) if it "immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used." *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (quoting *In re Bayer AG*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)). "On the other hand, if one must exercise mature thought or follow a multi-stage reasoning process in order to determine what product or service characteristics the term indicates, the term is suggestive rather than merely descriptive." *In re Tennis in the Round, Inc.*, 199 USPQ 496, 498 (TTAB 1978); *see also In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983); *In re Universal Water Sys., Inc.*, 209 USPQ 165, 166 (TTAB 1980).

Whether a mark is merely descriptive is determined in relation to the goods or

services for which registration is sought, not in the abstract or on the basis of guesswork. Descriptiveness must be evaluated “in relation to the particular goods for which registration is sought, the context in which it is being used, 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 or intended use.” *In re Chamber of Com. of the U.S.*, 102 USPQ2d at 1219 (quoting *In re Bayer AG*, 82 USPQ2d at 1831). In other words, we evaluate whether someone who knows what the goods or services are will understand the mark to convey information about them. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)).

When two or more merely descriptive terms are combined, the composite mark “is registrable only if the combination of terms creates a unitary mark with a nondescriptive meaning, or if the composite has a bizarre or incongruous meaning as applied to the goods or services.” *In re Omniome, Inc.*, 2020 USPQ2d 3222, at *12 (TTAB 2020). However, if each component retains its merely descriptive significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive. *Id.* (citing *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370, 1372 (Fed. Cir. 2004)); *see also In re Phoseon Tech., Inc.*, 103 USPQ2d 1822, 1823 (TTAB 2012).

Similarly, with relevance to this proceeding, a “telescoped” word mark will generally be held merely descriptive if consumers can easily decipher the individual words which are descriptive of the involved goods or services. *See, e.g., In re Wells*

Fargo & Co., 231 USPQ 95, 97 (TTAB 1986) (EXPRESSERVICE: “Since the telescoping would be readily apparent to any intelligent person, this fact is immaterial to the issue before us.”) (citing *In re U. S. Steel Corp.*, 225 USPQ 750, 751 (TTAB 1985) (SUPEROPE held equivalent in terms of purchaser impressions to “super rope.”); *In re Copperloy Corp.*, 182 USPQ 384 (TTAB 1974) (CONTAINERAMP is a mere misspelling of the term “container ramp” and is merely descriptive of mobile loading ramps). *See also In re Greenliant Sys., Ltd.*, 97 USPQ2d 1078, 1083 (TTAB 2010) (because it is readily apparent that NANDRIVE is the combination of NAND and DRIVE, “the combination, or ‘telescoping,’ of the terms is immaterial to the issue before us and applicant’s slightly misspelled version of the generic term NAND drive does not compel a different result.”).

Evidence that a term is merely descriptive to the relevant purchasing public “may be obtained from any competent source, such as dictionaries,” *In re Bayer*, 82 USPQ2d at 1831, “websites and publications.” *In re Nursecon, LLC*, 2024 USPQ2d 2217, at *14 (TTAB 2024). “It is the Examining Attorney’s burden to show, prima facie, that a mark is merely descriptive of an applicant’s goods or services.” *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1513 (TTAB 2016) (citing *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987)). If the Examining Attorney establishes a prima facie case, the burden shifts to the applicant to rebut that case. *Id.*

Here, the Examining Attorney argues that JUSTICENTER is a telescoped version of “justice center,” and this wording “merely describes a characteristic or feature of the Applicant’s services, namely, that applicant’s attorney and legal services feature

a place where consumers have the opportunity to attain what is fair in accordance with the law.”³ In support, the Examining Attorney relies on the dictionary definitions of the composite terms:⁴

Justice: *Law* The attainment (or upholding) of what is just, especially that which is fair, moral, right, merited or in accordance with laws. *My client has not received justice in this hearing.* [Also, *We seek justice in this matter from the court.*]

Center: A place where a particular activity or service is concentrated.
A medical center.

The Examining Attorney also relies on Internet evidence showing third-party use of the term “justice center” arguing it shows that, “in [the] context of the attorney related services, businesses and legal institutions, including applicant’s competitors, use the wording in the applied-for mark to identify a place where people seek legal help and remedies in accordance with the law.”⁵ These uses include:

“Liberty Justice Center ... a nonprofit, nonpartisan, public-interest litigation firm that seeks to protect economic liberty ... we fight back with smart legal strategies ... without ever charging our clients a dime—even if it means taking their case all the way to the Supreme Court”⁶

“The William Wayne Justice Center for Public Interest Law ... provide[s] broad support to students, faculty and alumni interested in pro bono work and public service.”⁷

“Legal Aid Justice Center ... training on individual rights ... will refer to appropriate non-profit and private immigration lawyers depending on screening ... will represent Arlington residents who have been detained in

³ 6 TTABVUE 2.

⁴ April 4, 2024 Office Action, at TSDR pp. 5-8.

⁵ 6 TTABVUE 3-4.

⁶ April 4, 2024 Office Action, at TSDR p. 23.

⁷ October 10, 2024 Office Action, at TSDR p. 7.

hearings in immigration court to get them released ...”⁸

“National Immigrant Justice Center ... dedicated to ensuring human rights protections and access to justice ... provides direct legal services to and advocates for these populations...”⁹

“The Edward P. Swyer Justice Center at Albany Law School ... acts as an in-house public interest law firm, providing free legal services to eligible clients ...”¹⁰

“Family Justice Center ... provide[s] coordinated advocacy, government, civil legal services ... for victims of domestic violence and their children.”¹¹

“Tahirih Justice Center ... client-centered legal services include screening, assessment, counsel and advice, and/or full-scale legal representation.”¹²

“MacArthur Justice Center ... fight for real solutions to problems with [the] criminal legal system ... highest standards of integrity in representing our clients...”¹³

“Survivors Justice Center ... Free legal services and support for victims of sexual assault to seek justice by holding their perpetrators accountable.”¹⁴

“Safe Family Justice Centers ... court support ... restitution assistance ... help navigating the criminal justice system ... advocacy and support services to individuals ... family law legal referrals.”¹⁵

Based on the record before us, including the above Internet evidence showing multiple organizations using the wording “Justice Center” in connection with the provision of legal services to others, we find the Examining Attorney has established

⁸ October 10, 2024 Office Action, at TSDR p. 9.

⁹ October 10, 2024 Office Action, at TSDR p. 12.

¹⁰ October 10, 2024 Office Action, at TSDR p. 18.

¹¹ October 10, 2024 Office Action, at TSDR p. 24.

¹² October 10, 2024 Office Action, at TSDR p. 27.

¹³ October 10, 2024 Office Action, at TSDR p. 30.

¹⁴ October 10, 2024 Office Action, at TSDR p. 37.

¹⁵ October 10, 2024 Office Action, at TSDR p. 42.

a prima facie case that JUSTICE CENTER is merely descriptive of Applicant's legal services. That is, consumers will understand "justice center" as merely describing Applicant's attorney and legal services in that Applicant offers a place or center providing legal services seeking justice or fairness for clients in accordance with the law.

We are not persuaded by Applicant's argument that JUSTICENTER, "as a telescoped mark, has no meaning in and of itself."¹⁶ Despite the lack of a definition for the actual telescoped term, the proposed mark will be readily recognized by consumers as the composite of the two words.¹⁷ No imagination or mental exercise is necessary. And, as explained above, our caselaw is clear that in such circumstances, the telescoped words do not lose any of their meaning despite a minor misspelling. Thus, we find that JUSTICENTER will be immediately understood in the context of legal services as the telescoped combination of the merely descriptive words JUSTICE CENTER.

Applicant also argues:¹⁸

Even were the mark dissected into two words (which is not the case), the term JUSTICENTER at most, would suggest a place where justice can be

¹⁶ 7 TTABVUE 4.

¹⁷ Applicant's reliance on other telescoped marks that may have been allowed to register does not persuade us that Applicant's proposed mark is not merely descriptive. As the Examining Attorney points out, the registered marks identified by Applicant, i.e., JUSTICEWORKS, JUSTICEAPP, may "contain non-descriptive wording that allows the marks to be registrable" and thus can be distinguished from Applicant's proposed mark. 6 TTABVUE 7. Moreover, as the Examining Attorney also pointed out, the Board is not bound by prior decisions made in connection with different marks, but each case must be decided on the proceeding record before us and on its own merits. *In re Cordua Rests., Inc.*, 823 F.3d 594, 600 (Fed. Cir. 2016) (citing *In re Shinnecock Smoke Shop*, 571 F.3d 1171, 1174 (Fed. Cir. 2009)).

¹⁸ 7 TTABVUE 4.

sought. But even that suggestion is too vague to convey the nature of Applicant's services to consumers. Despite the Examining Attorney's narrow view of the term 'justice,' because the word justice has broad meaning that is not necessarily connected with legal services, let alone personal injury legal services, a consumer would have to use significant imagination to conclude that JUSTICENTER is a place where they can go to be represented in personal injury matters.

However, this argument fails to persuade us for two reasons. First, as already noted above, the meaning of Applicant's proposed mark must be determined in the context of the services recited in the application, which include "attorney services" and "legal services." In other words, while the term "justice" may have multiple meanings or may seem vague in a vacuum, it has a particular meaning in connection with law or legal services, as evidenced by the provided definition, *supra*. In the context of law or legal services, "justice" means the attainment or upholding of what is merited or in accordance with the laws. This meaning is certainly buttressed by the evidence showing a multitude of organizations that use the term JUSTICE CENTER and provide legal services to others, often touting their ability to assist others seeking "justice."

Second, Applicant attempts to restrict its services to "personal injury legal services." However, the services described in the application include "attorney services" and "legal services," which are very broad and encompass many of the same services provided by the entities that self-describe as "justice centers" in the Internet evidence submitted by the Examining Attorney. In any event, the term "justice," as used in the context of law, is not necessarily mutually exclusive with "personal injury legal services." Indeed, personal injury law firm clients may consider "justice" to be a

judgment in their favor as a recompense for their injuries.

In sum, we find Applicant's proposed mark, JUSTICENTER, is the readily recognizable equivalent of JUSTICE CENTER, and the Examining Attorney has established a prima facie case that this phrase is merely descriptive of Applicant's "attorney services" and "legal services" in that it identifies a place offering legal services seeking justice or fairness for clients merited in law. Applicant has failed to rebut this showing. Consequently, we affirm the Section 2(e)(1) refusal.

Decision: The refusal is affirmed.