Mailed: October 7, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Eshipjet Software Inc.

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Serial No. 98708838

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John Alumit of Alumit IP,
    for Eshipjet Software Inc.

James Sensor, Trademark Examining Attorney, Law Office 129.
    Pamela Y. Willis, Managing Attorney.

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Before Pologeorgis, Lebow and Casagrande,
    Administrative Trademark Judges.

Opinion by Lebow, Administrative Trademark Judge:

Applicant, Eshipjet Software Inc., seeks to register the standard-character mark

SHIPPERCOPILOT

on the Principal Register for:

> artificial intelligence as a service (AIAAS) services featuring software
> using artificial intelligence (AI) for facilitating radio frequency
> identification (RFID), warehouse management, shipping, picking,
> packing, transfer of stock, storing of goods, planning, workflow
> optimization, tracking, alerts, inventory monitoring, outbound and
> inbound delivery, parcel tracking, and parcel tracing in the logistics
> industry,

in International Class 42.[1] After the Trademark Examining Attorney issued a final refusal to register the mark on the ground that it is merely descriptive of the identified services under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), Applicant filed an appeal. The appeal has been briefed and is now ready for final decision. For the reasons discussed below, we affirm the refusal to register.

I.   Mere Descriptiveness – Applicable Law

"One basis for refusing a trademark registration is when 'a mark which … 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)." *Curtin v. United Trademark Holdings, Inc.*, 137 F.4th 1359, 1361 (Fed. Cir. 2025).

"A mark is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used." *Brooklyn Brewery Corp. v. Brooklyn Brew Shop, LLC*, 17 F.4th 129, 146 (Fed. Cir. 2021) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1378 (Fed. Cir. 2012) and *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963 (Fed. Cir. 2007)) (internal punctuation omitted). "A term 'need not immediately convey an idea of each and every specific feature of the [services] in order to be considered merely descriptive; it is enough if it describes one significant attribute, function or property of the [services].'" *In re Korn Ferry*, No. 90890949, 2024 TTAB LEXIS 224, at *5 (quoting *In re Zuma Array Ltd.*, No. 79288888, 2022 TTAB LEXIS 281, at *7).

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[1] Application Serial No. 98708838 was filed on August 20, 2024, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), based on Applicant's claim of first use anywhere and in commerce since at least as early as August 15, 2024.

"It is well-established that '[d]escriptiveness of a mark is not considered in the abstract,'" but instead "must be 'considered in relation to the particular goods [or services] 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 because of the manner of its use or intended use.'" *Coach Servs.*, 668 F.3d at 1378 (quoting *Bayer*, 488 F.3d at 963-64).

We "consider the commercial impression of a mark as a whole[.]" *Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 974 (Fed. Cir. 2018) (italics omitted). "Where a mark consists of multiple words, the mere combination of descriptive words does not necessarily create a non-descriptive word or phrase." *Zuma Array*, 2022 TTAB LEXIS 281, at *8 (quoting *In re Omniome, Inc.*, No. 87661190, 2019 TTAB LEXIS 414, at *12). "[I]f 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." *Omniome*, 2019 TTAB LEXIS 414, at *12. Only where the combination of merely descriptive terms creates a unitary mark, or a mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods or services is the mark registrable as suggestive. *See In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1174 (Fed. Cir. 2004) (citing *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985)).

"Evidence of the public's understanding of [a] term … may be obtained from any competent source, such as … listings in dictionaries, trade journals, newspapers[,] and other publications." *Korn Ferry*, 2024 TTAB LEXIS 224, at *7-8 (citation

omitted). "These sources may include [w]ebsites, publications and … advertising materials directed to the goods [or services]." *Id*. (quoting *In re N.C. Lottery*, 866 F.3d 1363, 1367-68 (Fed. Cir. 2017) (internal quotation omitted)).

"The determination of whether a mark is merely descriptive is a question of fact." *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1252 (Fed. Cir. 2012).

II.   The Examining Attorney's Evidence and Arguments

To show the descriptiveness of SHIPPERCOPILOT in connection with

> artificial intelligence as a service (AIAAS) services featuring software using artificial intelligence (AI) for facilitating radio frequency identification (RFID), warehouse management, shipping, picking, packing, transfer of stock, storing of goods, planning, workflow optimization, tracking, alerts, inventory monitoring, outbound and inbound delivery, parcel tracking, and parcel tracing in the logistics industry,

the Examining Attorney first points to evidence in the record, including the following, that he argues shows the descriptive meaning of each term in the mark.

Regarding the term "SHIPPER":

An entry from THE MERRIAM-WEBSTER DICTIONARY defines the noun "shipper" as "one that sends goods by any form of conveyance."[2]

Regarding the term "COPILOT," the Examining Attorney provides evidence, including from the following articles, that he contends shows it "a term of art for an artificial intelligence (AI)-powered assistant designed to help users with various

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[2] March 3, 2025 Office Action, at TSDR 7.

tasks":[3]

- An April 7, 2023 article from railtown.ai titled "Understanding What AI CoPilot Is and The Many Benefits" invites readers to "[e]xplore the world of AI CoPilots and learn how these advanced intelligence-powered assistants can revolutionize various aspects of our lives, from navigation systems to software development environments." It explains that an "AI CoPilot" is "an artificial intelligence-powered assistant designed to help users with various tasks, often providing guidance, support, and automation in different contexts." Among other things, it can review and detect errors; analyze and prioritize tasks in project management tools to increase team efficiency; and analyze complex data sets and visualize results through intuitive charts and graphs.[4]

- A July 6, 2023 article from Moveworks (moveworks.com) titled "What is an AI copilot?" explains that "[a]n AI copilot is a conversational interface" that "possess[es] the capability to understand, analyze and process vast amounts of data." Among other things, they "can proactively respond to user needs based on contextual information, ensuring relevant and timely support during critical decision-making processes"; "facilitate effective interactions" with stakeholders, employees, customers and vendors"; and "can be the cohesive force connecting multiple platforms, tools, and software applications under one umbrella, ensuring data integrity, accessibility, and compatibility across the enterprise." "AI copilots have strong foundations built on two essential components: artificial intelligence and integrations across systems."[5]

- A December 8, 2023 article from the website Continual (continual.ai) titled "What is an AI copilot" explains, inter alia, that "AI copilots" are "AI assistants powered by large language models (LLMs) and [are] deeply embedded into applications to help users accomplish more, faster." The article notes that early copilot examples such as Intuit Assist, Salesforce, and Shopify Sidekick "have been rapidly followed by a steady stream of new AI copilots being introduced by SaaS vendors large and small in every vertical." "AI copilots excel at proactively summarizing, reviewing, and highlighting critical information to users. For instance, a CRM copilot might summarize all previous customer interactions and flag high-priority follow-ups, or an accounting copilot

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[3] 6 TTABVUE 3-4 (Examining Attorney's Brief).

[4] February 25, 2025 Letter of Protest, at TSDR 4-8.

[5] *Id.* at 9-14.

may summarize accounting statements and flag line items for further review." They also "can accelerate and automate user tasks and workflows."[6]

- An undated article from the website Aisera (aisera.com) titled "AI Copilot Benefits and Use Cases" explains how AI copilots "are designed to work seamlessly with existing tools and workflows," and "can be integrated into productivity software applications, code editors, and collaborations tools …." They are "transformative for enhancing productivity and solving problems."[7]

In view of the foregoing, the Examining Attorney concludes that

[i]n this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, the applicant's services are in the nature of an artificial intelligence (AI)-powered assistant designed to help users with various tasks, or COPILOT, for use by consumers who send goods by any form of conveyance, or SHIPPERS. Thus, the applied-for mark merely describes a feature, characteristic, purpose, function, and intended audience of applicant's goods and/or services.

We find that the Examining Attorney's evidence supports a conclusion that the term SHIPPERCOPILOT immediately conveys to consumers a feature, function, or characteristic of "artificial intelligence as a service (AIAAS) services featuring software using artificial intelligence (AI) for facilitating radio frequency identification (RFID), warehouse management, shipping, picking, packing, transfer of stock, storing of goods, planning, workflow optimization, tracking, alerts, inventory monitoring, outbound and inbound delivery, parcel tracking, and parcel tracing in the logistics industry."

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[6] *Id.* at 15-18.

[7] *Id.* at 20-23.

III. Applicant's Evidence and Argument

Applicant concedes that its mark "comprises descriptive wording," but argues that "the combination of descriptive wording evokes a new and unique commercial impression such that applicant's mark is not 'merely' descriptive."[8] According to Applicant,

> [w]hile "AI COPILOT" has a particular meaning in the field of artificial intelligence, the wording "COPILOT" alone, according to Collins Dictionary, means "a person who steers a ship through a difficult stretch of water, for example the entrance to a harbour." See definition in March 18, 2025 response. When "COPILOT" is combined with "SHIPPER," i.e., SHIPPER COPILOT, the combination then suggests an assistant shipping pilot that steers a ship through a difficult stretch of water.[9]

Applicant kneecaps its own argument at the outset by relying on a definition of COPILOT **when that term is used "alone,"** rather than in conjunction with the word SHIPPERS to provide shipping software as a service that utilizes AI, as Applicant's mark is used here. As the Examining Attorney correctly notes in response, quoting *In re NextGen Mgmt.*, No. 85050089, 2012 TTAB LEXIS 448, at *8 (citing *In re RiseSmart Inc.*, No. 85050089, 2012 TTAB LEXIS 448, at *8), the fact "[t]hat a term may have meanings in different contexts is not controlling on the question of descriptiveness." *See also In re Bright-Crest, Ltd.*, No. 73131713, 1979 TTAB LEXIS 80, at *8-9 ("[T]he fact that a term may have meanings other than the one the Board is concerned with is not controlling on the question."); TRADEMARK MANUAL OF EXAMINING PROCEDURE § 1209.03(e)(May 2025). "It is well settled that so

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[8] 4 TTABVUE 6 (Applicant's Brief).

[9] *Id.* at 5 (underlining omitted).

long as any one of the meanings of a term is descriptive, the term may be considered to be merely descriptive." *In re Chopper Indus.*, 1984 TTAB LEXIS 118, at *5-6. Because the standard for determining mere descriptiveness assumes that the relevant public knows what the goods or services are, *see, e.g.*, *DuoProSS Meditech*, 695 F.3d at 1254, our analysis must focus on the definition relevant to the services identified in the application. *See, e.g.*, *In re IP Carrier Consulting Grp.*, No. 78542726, 2007 TTAB LEXIS 66, at *18-19.

Applicant also points to its "advertising on social media," namely a LinkedIn post where it purportedly uses the above definition of copilot "in the form of an analogy":

ShipperCopilot by **eshipjet.ai** is a cutting-edge solution designed to revolutionize the logistics and shipping industry by leveraging advanced AI-powered technologies. This platform acts as a "co-pilot" for shippers, simplifying complex logistics processes and enhancing efficiency across the supply chain.

Why ShipperCopilot?
ShipperCopilot is designed for businesses looking to transform their logistics operations by leveraging the power of AI, automation, and real-time data. By acting as a co-pilot for shippers, it simplifies complex logistics processes, reduces costs, and increases efficiency. This platform is ideal for companies of all sizes looking to scale their operations and meet the demands of a rapidly changing global marketplace.

[10]

"Therefore," asserts Applicant, "while applicant's mark may be viewed as descriptive in one sense, it is also highly suggestive in another sense, because it evokes a new and unique commercial impression."[11] But as we explained above, it is sufficient that one of the meanings of the mark descriptive, which Applicant concedes in this case.

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[10] March 18, 2025 Response to Office Action, at TSDR 27.

[11] 4 TTABVIEW 6 (Applicant's Brief).

Not only do we find that the individual components of Applicant's proposed mark are merely descriptive of Applicant's services based on the evidence of record, but when these individually descriptive components are combined, the result, SHIPPERSCOPILOT, is also merely descriptive. *See DuoProSS*, 695 F.3d at 1255 (assessing the descriptiveness of the combined individual terms as a whole). Specifically, the wording "SHIPPERSCOPILOT," when used in connection with Applicant's computer AI software services, immediately conveys information about Applicant's services, namely, an AI computer assistant (otherwise known as a "copilot") that assists shippers with their shipping logistics.

Applicant argues that its proposed mark "is suggestive of the fact that applicant's software acts like a real shipper copilot helping a user to navigate through a difficult shipping process."[12] But Applicant provides no evidence for this theory, and the relevant dictionary definitions of the composite terms indicate otherwise. *See Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1371 (Fed. Cir. 2018) (quoting *Enzo Biochem, Inc. v. Gen-Probe, Inc.*, 424 F.3d 1276, 1284 (Fed. Cir. 2005) ("Attorney argument is no substitute for evidence.")). Consequently, the record support Applicant's contention that SHIPPERCOPILOT is "highly suggestive … because it evokes a new and unique commercial impression."[13]

IV.   Conclusion

We find that Applicant's mark SHIPPERCOPILOT is merely descriptive because

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[12] *Id.* at 3.

[13] *Id.* at 6.

it immediately conveys knowledge to consumers that a feature, function or characteristic of Applicant's service is the use of artificial intelligence software to assist shippers.

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