

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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:
Georgia Graham Jones, :
Petitioner, :
:
v. :
:
Alison Holtzschue, :
Registrant. :
:
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10-23-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Cancellation No. 92/040,746

ANSWER TO AMENDED PETITION TO CANCEL

Registrant Alison Holtzschue ("Registrant"), by her attorneys, answers the Amended Petition to Cancel of Petitioner Georgia Graham Jones ("Petitioner") as follows:

1.1 Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.1 and therefore denies such allegations, except that, upon information and belief, Registrant admits that the records of the United States Patent and Trademark Office identify Georgia Graham Jones as the owner of U.S. Registration No. 2,075,655 for the mark COMPUTER MOMS, which appears to be depicted in stylized script.

1.2 Registrant admits that she is the owner of U.S. Registration No. 2,412,405 for the mark

COMPUTERSDOTMOM COMPUTER SKILLS, CONFIDENCE AND REALLY GOOD COFFEE and Design, which the United States Patent and Trademark Office issued on December 12, 2000 (the "Registration"). Registrant further admits that her previous business mailing address was: 1 Whitehall Street, 17th Floor, New York, New York 10017, and that, as of May 26, 2003, her business mailing address has been: 220 Fifth Avenue, 14th Floor, New York, New York 10017. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of all other allegations in paragraph 1.2 and therefore denies such allegations.

1.3 Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.3 concerning Petitioner's beliefs and therefore denies such allegations. Registrant admits that Petitioner has petitioned to cancel the Registration. Registrant denies that Petitioner or anyone else will suffer any damage from the Registration and further denies all other allegations in paragraph 1.3.

2.1 Registrant is without knowledge or information sufficient to form a belief as to the truth of

the allegations in paragraph 2.1 and therefore denies such allegations.

3.1 Registrant denies the existence of any similarity between Petitioner's registered mark and Registrant's registered mark that would lead to confusion, mistake or deception of purchasers. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of all other allegations in paragraph 3.1 and therefore denies such allegations.

3.2 Upon information and belief, Registrant admits that Petitioner is engaged in the business of providing computer training. Registrant admits that she is engaged in the business of providing computer training, and that, in conducting her business, she, like many others, is friendly to her clients. Registrant denies that her business uses a training manual, and that training on Apple Macintosh computers is not available through her business. Registrant further denies that her use of her registered mark in connection with her provision of computer training services causes any damage of any nature or any confusion or concern. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of

all other allegations in paragraph 3.2 and therefore denies such allegations.

4.1 Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.1 and therefore denies such allegations, except that, upon information and belief, Registrant admits that the period in an address of a site on the Internet is generally read as "dot."

4.2 Registrant denies that the results of searches conducted through the Trademark Electronic Search System ("TESS"), available at the Web site of the United States Patent and Trademark Office, have any bearing on determining whether trademarks are confusingly similar. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.2 and therefore denies such allegations, except that Registrant admits that a document purporting to be a photocopy of a printout of a search conducted through TESS was appended to the Amended Petition to Cancel.

4.3 Registrant denies that the results of searches conducted in on-line telephone directories have any bearing on determining whether trademarks are

confusingly similar. Registrant admits that her business receives telephone inquiries from prospective clients, but that the great majority of such inquiries result from referrals by existing clients or by Registrant's family and friends, from brochures that Registrant mails, or from donations that Registrant makes to schools and other nonprofit organizations. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.3 and therefore denies such allegations, except that Registrant admits that documents purporting to be photocopies of printouts from SMARTpages.com and Switchboard.com were appended to the Amended Petition to Cancel.

4.4 Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.4 and therefore denies such allegations, except that Registrant denies that any likelihood of confusion exists between her registered mark and Petitioner's registered mark.

4.5 Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.5 and therefore denies such allegations, except that Registrant denies that any

likelihood of confusion exists between her registered mark and Petitioner's registered mark and, therefore, that any event could occur to magnify such likelihood, and except that Registrant admits that a document purporting to be a photocopy of a letter from the Office of the Attorney General of the State of New York was appended to the Amended Petition to Cancel.

5.1 Registrant denies the allegations in paragraph 5.1, except that Registrant admits that appended to the Amended Petition to Cancel were a photocopy of the schedule of the classes that Registrant offered from January through May, 2003, and a document purporting to be a printout of information about Registrant's registered mark from TESS.

6.1 Registrant denies the allegations in paragraph 6.1, except that Registrant admits that the Web site for her business states that the location of its classroom is 163 East 97th Street in New York City.

REGISTRANT FURTHER ANSWERS:

There is no likelihood of confusion, mistake or deception of the purchasing public arising from Registrant's use of her registered mark in connection with

the services she provides and Petitioner's use of her registered mark in connection with the services she provides. When the marks are considered in their entirety, as they must be, Registrant's mark - with its prominent depiction of a woman holding a computer, its fanciful play on the words that generally comprise the address of a site on the Internet, and its humorous slogan - is plainly different from Petitioner's mark in meaning, sound, and appearance.

WHEREFORE, Registrant prays that the Amended Petition to Cancel be denied.

Dated: Washington, D.C.
October 23, 2003

Respectfully submitted,

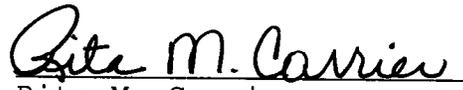

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Attorneys for Registrant,
Alison Holtzschue

Certificate of Service

I hereby certify that a true copy of the foregoing Answer To Amended Petition To Cancel was mailed to Petitioner Georgia Graham Jones, 42 Pascal Lane, Austin, Texas 78746, via first-class mail, postage prepaid, this 23rd day of October, 2003. An additional copy of the foregoing Answer To Amended Petition To Cancel was also mailed today, via first-class mail, postage prepaid, to Petitioner Georgia Graham Jones in care of Computer Moms International Corporation, 537 Woodward Street, Suite D, Austin, Texas 78704.

Dated: October 23, 2003


Rita M. Carrier

TTAB

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October 23, 2003

By Hand



Commissioner for Trademarks,
United States Patent and Trademark Office,
2900 Crystal Drive,
Ninth Floor, Room 9B10,
Arlington, Virginia 22202-3513.

10-23-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Attention: Trademark Trial and Appeal Board

Re: Georgia Graham Jones v. Alison Holtzschue,
Cancellation No. 92/040,746

Dear Commissioner:

On behalf of Alison Holtzschue, I enclose her Answer To Amended Petition To Cancel in the above-referenced cancellation proceeding. A copy of the enclosed Answer is being served today on the Petitioner.

Please date-stamp the enclosed additional copy of the Answer and return it to the messenger.

Please telephone me at (202) 956-7685 with any questions regarding this matter.

Very truly yours,

Rita M. Carrier

(Enclosure)