

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

40746

In the matter of trademark Registration No. 2412405

For the mark computersdotmom

Date registered 2000-12-12

Georgia Graham Jones
(Name of Petitioner)

v.

Alison Holzchue
(Name of Registrant)

Cancellation No. 92040746

MOTION FOR SUMMARY JUDGEMENT

On October 28, 2002, the Trademark Trial and Appeal Board issued a notice of default judgment to respondent for failure to file an answer, and on March 17, 2003, entered default judgment against respondent.

Perhaps, this case should be re-titled as the "Case of the Missing Mailmen". Petitioner is being denied timely resolution of a self-evident issue by not one, but TWO incidents of "missing mail".

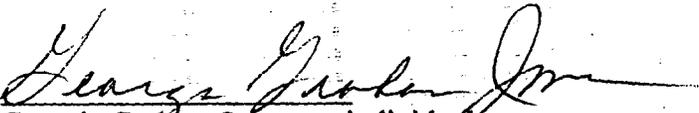
Petitioner requests the Board obtain and verify documents that attest to the mailing and receipt of the motion to set aside the notice of default judgment, which "has recently come to the Board's attention". To the extent that these documents do not buttress representations, the petitioner requests the issuance of a Summary Judgment.

Additionally, petitioner has licensees and potential licensees of the computer moms franchise system who are concerned or will be concerned about potential confusion and degradation of the exclusivity of the trademark under which they are conducting business. This is not an isolated, geographically diverse, customer diverse situation. computer moms has over seventy franchisees spread over 16 states, including a franchisee in metropolitan New York City, located in Morristown, New Jersey. computer moms is now registered to sell and award franchises in New York State. The potential customers of these two businesses are virtually identical; those clients purchase services from both firms for essentially the same reasons and end result.

Unresolved, continuation of usage by respondent will allow additional insertions in telephone and Internet directories which will cause confusion and damage petitioner as evidenced by Exhibits in the amended petition to cancel.

The Exhibits and representations of the petitioner are so clearly evident of likelihood of confusion that petitioner request the issuance of a Summary Judgment based on those submissions.

Under any scenario, petitioner should not be disadvantaged by "missing mail", petitioner requests that the Board to adhere to the original schedule.

Signed 
Georgia Graham Jones, an individual

Dated: April 17, 2003




41703

TTAB

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

In the matter of trademark Registration No. 2412405

For the mark computersdotmom

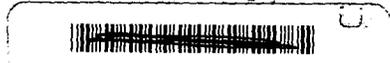
Date registered 2000-12-12

Georgia Graham Jones
(Name of Petitioner)

40746

v.

Alison Holzchue
(Name of Registrant)



04-24-2003

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #11

Cancellation No.
(To be inserted by Patent & Trademark Office)

PETITION TO CANCEL
(Original Reformatted and Signed)

- 1.1 Georgia Graham Jones, computer moms®
(Name of individual as petitioner, and business trade name, if any)
42 Pascal Lane, Austin, Texas 78746
- 1.2 To the best of the petitioner's knowledge, the name and address of the current owner of the registration are: Holtzchue, Alison, 1 Whitehall Street, 17th Floor New York, NEW YORK 10004
- 1.3 The above-identified petitioner believes that she/it will be damaged by the above-identified registration, and hereby petitions to cancel the same.
- 2.1 computer moms® holds prior state and federal trademarks. It has over sixty (60) franchised licensees in multiple states, and is expanding nationwide. It has been mentioned in the Wall Street Journal, USA Today, and featured on CNN's Business Unusual in an interview taped in New York City before Holtzchue's usage date.
- 2.2 Confusion exists from the very similar name – computers dot mom. The conflict was discovered when potential franchisees and potential customers contacted computers dot mom instead of computer moms®.

Handwritten mark

- 3.1 Both firms train customers to use their computers stressing a friendly approach, both have proprietary training manuals, and interestingly both do not train on Apple Macintosh. Obviously, economic damage will occur from this similar business with similar name, causing confusion to our customers and concern from present and potential franchisees.
- 4.1 In this Internet age, dot is the appellation for period (.). Certainly one would not regard United States Government and United States.Government (United States dot Government) to be totally distinct entities.
- 5.1 Additionally, a collateral issue may require cancellation. Hotzchue's operation of computers dot mom is advertised on its web site as wholly occurring at its facilities in New York. Since it does not service clients on an outcall basis, we question how the mark was used under the claimed class in Interstate Commerce.

Signed *Georgia Graham Jones*
Georgia Graham Jones, an individual

Dated: April 17, 2003



Sara Tennant Harris
4-17-03

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

In the matter of trademark Registration No. 2412405

For the mark computersdotmom

Date registered 2000-12-12

..... Georgia Graham Jones
(Name of Petitioner)

v.

..... Alison Holzchue
(Name of Registrant)

Cancellation No. 92040746

RECEIVED 20 01 2001

AMMENDED PETITION TO CANCEL

- 1.1 Georgia Graham Jones, computer moms®
42 Pascal Lane, Austin, Texas 78746
- 1.2 To the best of the petitioner's knowledge, the name and address of the current owner of the registration are: Holzchue, Alison, 1 Whitehall Street, 17th Floor New York, NEW YORK 10004
- 1.3 The above-identified petitioner believes that she/it will be damaged by the above-identified registration, and hereby petitions to cancel the same.
- 2.1 computer moms® holds prior state and federal trademarks. It has over sixty (60) franchised licensees in multiple states, and is expanding nationwide. It has been mentioned in the Wall Street Journal, USA Today, and featured on CNN's Business Unusual in an interview taped in New York City before Holzchue's usage date.
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- 3.2 Both firms train customers to use their computers stressing a friendly approach, both have proprietary training manuals, and interestingly both do not train on Apple Macintosh. Obviously, economic damage will occur from this similar business with similar name, causing confusion to our customers and concern from present and potential franchisees.

- 4.1 In this Internet age, dot is the appellation for period (.). Certainly one would not regard United States Government and United States.Government (United States dot Government) to be totally distinct entities.
- 4.2 *In fact, the Patent and Trademark Office website returns both Registration Numbers 2075655 and 2412405 when queried for "computer moms" as evidenced in Exhibit A – an example of confusion.*
- 4.3 *Obviously, both businesses rely heavily on telephone inquiries from prospective clients. If one requests "computer moms" in New York from either SmartPages.com or Switchboard.com (two of the leading online telephone directories), one gets computers dot mom as evidenced in Exhibits B and C – another example of confusion.*
- 4.4 *computer moms has a franchisee in Morristown, New Jersey, which is in the New York City metropolitan area. Under normal circumstances, a prospective client calling information for New York City, asking for computer moms, would be told under the "search metropolitan area" directory assistance conventions that there was no listing in New York City but there is a listing in Morristown. However, the inquirer is directly referred or connected to the computers dot mom telephone number when asking for computer moms – a further example of confusion.*
- 4.5 *computer moms has received approval to sell and award franchises within New York from the State of New York. The likelihood of confusion is thus magnified dramatically. See D3*
- 5.1 *The visual image used by computers dot mom is such that only computers and mom are prominent; the other words – dot, computer skills, confidence, and really good coffee – are minimized as evidenced by Exhibit D. This technique is the visual equivalent of using 4-point type in contract disclaimers and has a high probability of causing confusion from the visual recognition of only computers and mom.*
- 6.1 Additionally, a collateral issue may require cancellation. Hotzchue's operation of computers dot mom is advertised on its web site as wholly occurring at its facilities in New York. Since it does not service clients on an outcall basis; we question Interstate Commerce usage of the mark.

Signed

Georgia Graham Jones
Georgia Graham Jones, an individual

Dated: April 17, 2003



Sara Tennant Harris
4-17-03

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Sat Apr 5 04:11:41 EST 2003

- [PTO HOME](#)
- [TRADEMARK](#)
- [TESS HOME](#)
- [NEW USER](#)
- [STRUCTURED](#)
- [FREE FORM](#)
- [BROWSE DICT](#)
- [PREV LIST](#)
- [NEXT LIST](#)
- [BOTTOM](#)
- [HELP](#)

Please logout when you are done to release system resources allocated for you.

OR

2 Records(s) found (This page: 1 ~ 2)

(computer moms)[COMB]

Current Search: S1: (computer moms)[COMB] docs: 2 occ: 7

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead	
1	75866783	2412405	COMPUTERSDOTMOMCOMPUTER SKILLS, CONFIDENCE AND REALLY GOOD COFFEE	TARR	LIVE
2	75139749	2075655	COMPUTER MOMS	TARR	LIVE

- [PTO HOME](#)
- [TRADEMARK](#)
- [TESS HOME](#)
- [NEW USER](#)
- [STRUCTURED](#)
- [FREE FORM](#)
- [BROWSE DICT](#)
- [PREV LIST](#)
- [NEXT LIST](#)
- [Top](#)
- [HELP](#)

Exhibit B



Your online Yellow Pages - and more! SM

[Home](#) | [Advertise](#) | [Find a Person](#) | [Driving Directions](#) | [My Address Book](#) | [Popular Searches](#) | [Sea](#)

Business Type Business Name City (or ZIP or Area Code) State NY [City Gu](#)
Find computer moms [Shoppi](#)

Search Options:

- [New Search](#)
- [Near An Address](#)
- [By ZIP Code](#)
- [By Area Code](#)

Businesses Found: 1

Results for "computer moms" in "NY".

(Showing 1-1)

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Revise Sort Order [City](#) [Featured Businesses](#)

Computers Dot Mom

New York, NY 10021

(212) 861-5465

[Save Address](#)

(Showing 1-1)

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[Job Opportunities](#) | [Internet Services](#) | [Site Map](#)

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The linked sites are not under our control; are not endorsed by us; and we are not responsible for their content.

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It's the Yellow Pages. *Electrified!*

classmates

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White Pages

Yellow Pages

Advertise with Us

Maps & Directions

City Guides

Home → Yellow Pages → Matching Results

[Modify Search](#) | [New Se](#)

Narrow your search

Computer & Electr... (1)

- [Computer Stores \(1\)](#)

Shopping (1)

- [Computers \(1\)](#)
- [Office Supplies \(1\)](#)

Found: 1 businesses shown 1

You searched for: "computer moms" - NY

Show businesses that start with: # [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) /

All Businesses

Computers Dot Mom

New York, NY 10021
Phone: (212)861-5465

Categories: Computer & Equipment Dealers

[What's Nearby?](#) | [Research This Business](#)

Show businesses that start with: # [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Modify Search

Type of Business [View List](#)

Business Name [Search Tips](#)

computer moms

Street Address

City

State [St](#)

NY

Include surrounding areas

SEARCH

LendingTree

[Start My Loan Form Now](#)

[About Switchboard](#) | [Contact Us](#) | [Advertise](#) | [Policies](#) | [Jobs@switchboard](#) | [Help](#)

[Click here for sales leads, mailing lists and business credit reports.](#)



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Switchboard is a registered service mark of Switchboard Inc.

Exhibit B-1

FEDERAL BUREAU OF PATENT AND TRADEMARK OFFICE

Trade Mark Electronic Search System (TESS)

TESS was last updated on Sat Apr 5 04:11:41 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Please logout when you are done to release system resources allocated for you.

Start List At:

OR to record:

Record 1 out of 2

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



computers.mom

www.computers.mom
www.computers.mom

Word Mark COMPUTERSDOTMOMCOMPUTER SKILLS, CONFIDENCE AND REALLY GOOD COFFEE

Goods and Services IC 041. US 100 101 107. G & S: Educational services, namely computer skills training services by means of classroom instruction. FIRST USE: 19990115. FIRST USE IN COMMERCE: 19990115

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 020326 150503 150504

Serial Number 75866783

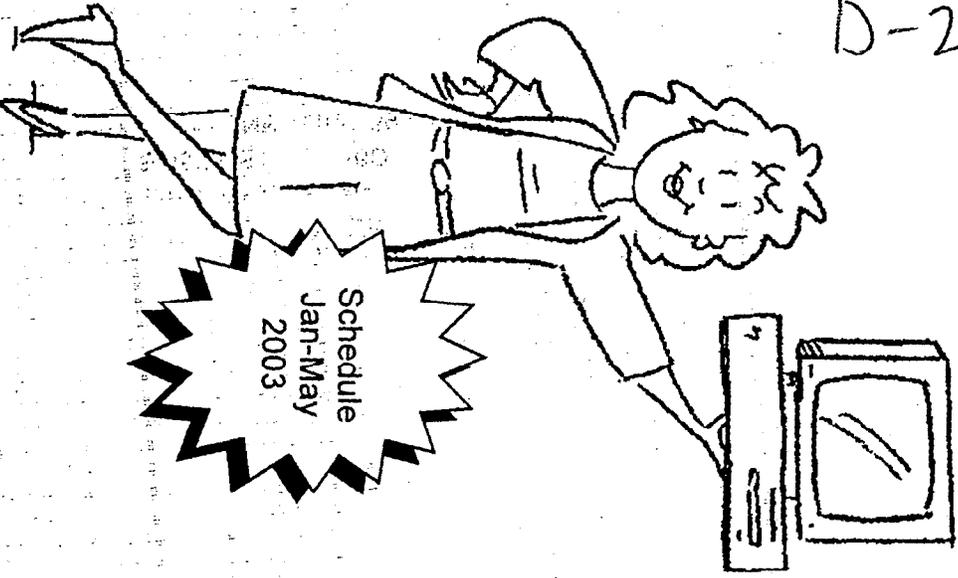
Filing Date December 9, 1999

Published for Opposition September 19, 2000

Registration Number 2412405

Registration Date December 12, 2000

Owner (REGISTRANT) Holtzschue, Alison INDIVIDUAL UNITED STATES 1 Whitehall Street, 17th Floor New York NEW YORK 10004



computersdotmom

*computer skills, confidence,
and really good coffee.*

(212) 861-5465
www.computersdotmom.com

computer classes designed for busy humans

Take the mystery and frustration out of computers once and for all with a class at computersdotmom. Specially designed for moms and other people with barely a minute to spare, computersdotmom will teach you the PC skills you need—fast!—in a fun, friendly setting.

From beginner classes that make the basics easy to courses that will help you master everything from home finance software to email, digital photos to invitations. And yes, we can even have you surfing the Web in no time.

jump the learning curve

You may never get anyone else in your house to do exactly what you want, but after a class with computersdotmom, you'll finally feel in control of your computer.

(212) 861-5465
www.computersdotmom.com

what's so great about computersdotmom?

- Very small classes (3 students max), lots of personal attention
- Single-session classes: come once, learn only what you need
- Hands-on, one PC to a person
- Teachers selected for their patience and warmth, not their geek credentials
- Convenient chedule and Upper East Side location (97th and Third)
- Practical approaches to solving everyday problems
- Less expensive (and more fun!) than private tutoring
- And then there's our coffee.

computersdotmom

(212) 861-5465
www.computersdotmom.com

Classes (\$139 each)

am: 9:15 - 11:45 or pm: 12:15 - 2:45

Windows/Word/PC basics

startup

The stuff you really need to use a PC, explained in plain English. How computers work, using Windows, basic word processing. Our most popular class and the place to start if you're a novice or just want to fill in the gaps.

Jan 6 am, 8 pm, 13 pm, 16 am, 21 am,
23 pm, 28 pm, 31 am;
Feb 3 am, 5 am, 10 pm, 12 pm, 20 am,
25 pm, 27 pm;
Mar 5 am, 7 am, 10 am, 12 pm, 31 pm;
Apr 3 am, 8 am, 10 pm, 15 pm, 17 am,
23 am, 24 pm, 30 pm;
May 2 am, 5 am, 8 am, 12 pm, 15 pm, 21
am, 23 am, 27 am

followup

Got the basics down? Learn the tools and tricks that help you produce better documents faster. Includes formatting, using multiple documents, finding lost files, and the dreaded Help features.

Jan 7 pm, 15 am, 22 pm, 30 am;
Feb 6 pm, 14 am, 19 pm, 24 pm;
Mar 4 pm, 13 am;
Apr 3 pm, 11 am, 14 pm, 21 am, 29 am;
May 6 pm, 14 am, 21 pm

power user

Addresses, phone lists, schedules--so many details! Use powerful word processing tools like mail merge and tables to simplify your life.

Jan 27 am, Feb 21 am, Mar 11 pm,
Apr 14 am, May 7 pm, 29 pm

comfort zone

Know the basics? Learn how to manage your files and your computer for optimal performance. Backups, maintenance, installing programs, avoiding crashes.

Jan 10 am, Feb 4 am, 26 am,
Apr 2 am, 21 pm, May 13 am

Internet/Email/Web Classes

connected 1: email and web basics

Jan 7 am, 14 pm, 22 am, 29 pm;
Feb 6 am, 13 pm, 24 am, Mar 4 am, 12 am;
Apr 2 pm, 10 am, 17 pm, 25 am, 28 am;
May 6 am, 13 pm, 19 pm, 28 pm

connected 2: Intermediate/Advanced

Jan 8 am, 23 am, Feb 7 am, 26 pm,
Mar 10 pm, Apr 8 pm, 22 am,
May 8 pm, 19 am

Specialty Classes



excel-lent: intro to MS Excel

Jan 28 am, Feb 19 am, Mar 13 pm,
Apr 7 am, May 7 am, 27 pm

money matters: intro to Quicken

Jan 9 pm, Feb 4 pm, 27 am,
Apr 4 am, 23 pm, May 14 pm

photo op: working with digital images

Jan 15 pm, 27 pm, Feb 12 am, Mar 5 pm,
Apr 1 am, 16 am, May 1 am, 16 am, 29 am

palmtop: using a PDA (Palm Pilot)

Jan 13 am, Feb 11 pm, Mar 3 am,
Apr 9 pm, 28 pm, May 20 am

power point: Intro to MS Powerpoint

Jan 16 pm, 30 pm, Feb 10 am, Mar 6 pm,
Apr 22 pm, May 22 am

publish: Intro to MS Publisher

Jan 17 am, Feb 11 am,
Mar 6 am,
Apr 7 pm, 29 pm, May 22 pm



D3



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

DIETRICH L. SNELL
Deputy Attorney General
Division of Public Advocacy

ERIC R. DINALLO
Bureau Chief
Investment Protection Bureau

(212) 416-8236

January 21, 2003

Andrew A. Caffey, Esq.
3 Bethesda Metro Center, Suite 700
Bethesda, MD 20814

Re: Computer Moms
File Number: 02-0039
Date Received: 3/22/2002
Effective Date: 1/21/2003
Accounting Year End: 12/31

Dear Sir/Madam:

We wish to advise you that the prospectus for the referenced franchise has been registered and filed under the provisions of General Business Law sections 683.1 and 683.2, effective on the date set forth above. You are authorized to offer and sell franchises pursuant to this filing only so long as the filed prospectus and other materials you have submitted conform to the requirements of Article 33 of the General Business Law and the regulations promulgated thereunder.

We have made no independent verification of the information contained in your prospectus. We rely on the statements in your affidavit (NYF-2) that the application and annexed exhibits fully disclose the aspects of the offering and that the information contained therein is truthful.

You must timely amend the prospectus and any forms or applications requiring amendment in order to keep this filing in effect. When an amendment application is filed, you may continue to offer and sell franchises while we are reviewing your amended prospectus and the materials accompanying it, unless we advise you otherwise, so long as: a) you filed them in a timely fashion and b) your resubmissions in response to any deficiency letters are received by this office within 45 days of that date of the deficiency letter(s).

In addition to the other amendment requirements, you must amend your prospectus with updated financial statements within 120 days of the end of your fiscal year. Our records reflect that your fiscal year ends as stated above.

Very truly yours,
Investment Protection Bureau
Franchise Section

eff 1-21-03
WFP 4-30-03
NEO 3-28-03
MF 4-28-03

Certificate of Service

I hereby certify that true copies of:

The Petition to Cancel (Original Reformatted and Signed)

The Amended Petition to Cancel

The Motion for Summary Judgment

dated (re-dated) April 17, 2003, in the matter of trademark Cancellation No. 92040746
were sent to :

Angela Lykos, Interlocutory Attorney
United States Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

and

Alison Holtzschue
1 Whitehall Street, 17th Floor
New York, NY 10004

via certified mail, return receipt requested, postage prepaid, this 17th day of April, 2003

April 17, 2003



Sara Harris