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9/20/00

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **International Lutheran Laymen's League**

Serial No. 75/364,564

Rose N. Perotti of Polster, Lieder, Woodruff & Lucchesi for
International Lutheran Laymen's League.

Laura Gorman Kovalsky, Trademark Examining Attorney, Law
Office 110 (**Chris A.F. Pedersen**, Managing Attorney).

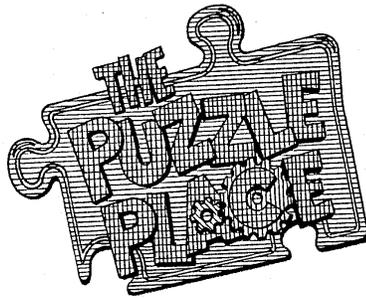
Before **Quinn**, **Hohein** and **Rogers**, Administrative Trademark
Judges.

Opinion by **Rogers**, Administrative Trademark Judge:

International Lutheran Laymen's League has filed an
application to register the mark THE PUZZLE CLUB in
International Class 9 for goods identified as "computer
mouse pads; animated television films, prerecorded video
tapes, CD-ROMs, and computer game programs, featuring a
religious message for families."¹

¹ Serial No. 75/364,564, filed September 29, 1997, and alleging a
date of first use and first use in commerce of August 19, 1997.

The Examining Attorney has refused registration of applicant's mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), because of the prior registration of the marks THE PUZZLE PLACE² and THE PUZZLE PLACE and design³, shown below, both for "entertainment services, namely, producing a children's television series" in class 41.



When the Examining Attorney made the refusals of registration final, applicant appealed. Both applicant and the Examining Attorney have filed briefs, but an oral argument was not requested. We reverse both refusals.

We recently decided an appeal in a related case, which involved the same applicant, the same mark for applicant,

² Registration No. 1,962,893, issued March 19, 1996, based on claimed dates of first use of January 16, 1995.

³ Registration No. 1,958,130, issued February 20, 1996, based on a claimed date of first use of January 16, 1995. The drawing of the mark is lined for the colors yellow, blue, pink and green.

and the same registrations cited against applicant under Section 2(d). Much of our analysis in that case is equally applicable to this case. We attach a copy of the decision we issued in that case.

In the earlier case, applicant sought to register its mark for "educational and entertainment services, namely, production of animated television films, videos and CD-ROMs featuring a religious message for families."⁴ The only differences between the earlier case and the case at hand stem from the slight differences in the identifications of goods and services. The earlier case involved applicant's services for *production* of films, videos and CD-ROMs. The instant case involves the produced goods themselves, as well as computer mouse pads and computer game programs.

For the same reasons articulated in our earlier decision, we find the differences in the parties' marks sufficient to outweigh the relatedness of applicant's films, videos and CD-ROMs and registrant's services. We find applicant's computer mouse pads and computer game programs less related than applicant's other goods to registrant's services. This, too, contributes to our conclusion that there is no likelihood of confusion.

⁴ Serial No. 75/364,562, filed September 29, 1997, and alleging a date of first use and first use in commerce of August 20, 1997.

Ser. No. 75/364,564

We acknowledge one significant difference between the earlier case and the one now at hand. In the earlier case, our finding of no likelihood of confusion was based, in part, on the presumptive sophistication of the consumers of the applicant's and the registrant's respective services. In the case at hand, applicant's goods are more likely than its services to be marketed to general consumers. Therefore, consumers of applicant's goods may be less sophisticated than the consumers of applicant's and registrant's services. We do not, however, find that this factor dictates a different result.

Decision: The refusals under Section 2(d) of the Trademark Act are reversed.

T. J. Quinn

G. D. Hohein

G. F. Rogers

Administrative Trademark
Judges, Trademark Trial
and Appeal Board