

**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 13  
ejs

9/14/00

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Trademark Trial and Appeal Board**

In re **Tack Cheung Corp.**

Serial No. 75/478,418

**Anthony O. Cormier** for Tack Cheung Corp.

**Glenn Mayerschoff**, Trademark Examining Attorney, Law Office  
107 (Thomas Lamone, Managing Attorney)

Before Seeherman, Wendel and Bucher, Administrative  
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Tack Cheung Corp. has appealed from the final refusal of the Trademark Examining Attorney to register PATTI'S PLAYWORLD as a trademark for "dolls, doll houses, doll accessories, and plastic toy versions of: vehicles, animals, exercise equipment, cameras, furniture, kitchen sets, and appliances."<sup>1</sup>

<sup>1</sup> Application Serial No. 75/478,418, filed May 1, 1998, based on an asserted bona fide intention to use the mark in commerce.

Registration has been refused pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. 1052(d), on the ground that applicant's mark so resembles the mark PATTI, registered by Ty, Inc. for plush toys,<sup>2</sup> that, if used on applicant's identified goods, it would be likely to cause confusion or mistake or to deceive.

The appeal has been fully briefed, but an oral hearing was not requested.

We reverse.

Turning first to the marks, it is obvious that PATTI is, in addition to being the trademark for registrant's plush toys, the name of the toy, and that the name PATTI in applicant's mark PATTI'S PLAYWORLD also represents the name of the doll sold under the mark. Further, applicant points to two other variations on "PATTI" marks with which the Examining Attorney initially claimed applicant's mark was likely to cause confusion: PATTIE for a "stuffed toy doll with sound chip"<sup>3</sup> and PATTY PLAY PAL for dolls.<sup>4</sup>

---

<sup>2</sup> Registration No. 2,087,838, issued August 12, 1997.

<sup>3</sup> Registration No. 2,145,078, issued March 17, 1998.

<sup>4</sup> Registration No. 2,226,929, issued March 2, 1999. This registration had not issued at the time the Examining Attorney issued his first Office action. The Examining Attorney advised applicant that it was a prior pending application and that he might refuse registration under Section 2(d) if it matured into a registration. Although the Examining Attorney subsequently stated that he would not cite it as a bar to registration, applicant has referred to the registration, which did

We agree with applicant that the cited mark, PATTI, cannot be considered a strong mark for goods such as dolls and plush toys. In particular, the contemporaneous registration of these three marks, two of which are for the identical goods, dolls, indicates that the term PATTI (or its variants PATTIE and PATTY) is not entitled to a broad scope of protection. Because dolls are often sold under a mark which refers to the name of the dolls, and therefore provides information as to what to call the doll, consumers are not likely to believe that all dolls and plush toys sold under marks which contain this relatively common girl's name emanate from a single source. Thus, although the term PLAYWORLD in applicant's mark is suggestive of the doll house and accessories that make up the environment of Patti the doll, the term PLAYWORLD has greater differentiating significance than it would have if the goods and the common elements of the marks were other than those before us.

The Examining Attorney appears to make the argument that the third-party registrations, for PATTIE and PATTY (PLAY PAL) "will have educated consumers to distinguish their origins by the different spellings and appearances of

---

subsequently issue, in connection with its argument that PATTI is a weak mark for the goods at issue.

those names." Brief, p. 3. We disagree that consumers will note or remember that the other PATTIE/PATTY marks are spelled differently from PATTI, or that they will distinguish the marks based on those spellings. If that were the case, and consumers are not likely to be confused, for example, between PATTI for plush toys and PATTIE for stuffed toy dolls with sound chips based solely on whether one name ends in an "e" and the other does not, then surely the additional term PLAYWORLD in applicant's mark would be at least as significant as the final letter "e" in PATTIE.

However, the difference which we find in the marks is not simply the additional word PLAYWORLD in applicant's mark, but the general weakness of the shared element, PATTI, which is a common name for a girl, and will be regarded as the name of the doll or plush toy.

Also having an impact on our decision is the fact that applicant's goods--dolls and various doll accessories--are different from the plush toys identified in the cited registration. We certainly do not disagree with the fact that the goods are related: obviously plush toys and dolls and their accessories are sold in toy stores, and may be purchased by or for the same class of consumers, i.e., adults purchasing items for children or by the children themselves. The third-party registrations made of record

by the Examining Attorney also show that a particular company may be the source of both dolls, various doll accessories, and plush toys. However, it is not as clear that companies sell both their dolls and plush toys under the same ordinary girls' names. Several of the third-party registrations are for merchandising marks, e.g., TOP CAT, owned by Hanna-Barbera, and the cartoon character; ANASTASIA, registered by Twentieth Century Fox and the name of a movie; and SMALL SOLDIERS, owned by Viacom, and also the name of a movie. The merchandising or house mark nature of many of the third-party registrations is reflected by the wide variety of goods for which their marks are registered, goods ranging from plush toys and dolls to balloons, ride-on toys, jigsaw puzzles, paper face masks, skateboards, water-squirting toys, soccer balls, swim fins and Christmas tree ornaments.<sup>5</sup>

We should also point out that our determination that PATTI is a relatively weak term is based on the record before us. If, for example, in an inter partes proceeding, evidence were submitted as to the fame or strength of PATTI as a trademark, we might well find likelihood of confusion. Applicant itself distinguishes the present situation from one involving the trademark BARBIE, response filed April 5,

---

<sup>5</sup> Registration No. 2,119,743 for WAKKO.

**Ser. No.** 75/478,418

1999, implying that if there were evidence that suggests the cited mark or the third-party registered marks were recognized for the identified goods, the result might be different.

Decision: The refusal of registration is reversed.

E. J. Seeherman

H. R. Wendel

D. E. Bucher  
Administrative Trademark Judges  
Trademark Trial and Appeal Board