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Paper No. 11  
TLW

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Coto Interpreting & Translating, Inc.

v.

Languages Unlimited, Inc.

Cancellation No. 28,224

Theresa W. Middlebrook of Christie, Parker & Hale, LLP for  
Coto Interpreting & Translating, Inc.

Wm. Cates Rambo of Porter, Wright, Morris & Arthur for  
Languages Unlimited, Inc.

Before Simms, Walters and Wendel, Administrative Trademark  
Judges.

Opinion by Simms, Administrative Trademark Judge:

Coto Interpreting & Translating, Inc. (petitioner), a  
California corporation, seeks cancellation of the registered  
mark ARABIC TO ZULU for the following services:

Educational services, namely, conducting seminars  
and individual instruction in foreign languages;  
conducting seminars to make people aware of  
differences of other cultures, in class 41.

Providing interpretation of foreign languages  
in spoken form, foreign language document  
translation, in class 42.<sup>1</sup>

<sup>1</sup> Registration No. 2,125,372, issued December 30, 1997, based  
upon an application filed November 21, 1996, claiming use since  
January 1, 1994.

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The registration is owned by Languages Unlimited, Inc. (respondent), an Ohio corporation. In the petition, petitioner asserts that it has used the mark ARABIC TO ZULU since at least as early as January 15, 1993, prior to respondent's use, in connection with foreign language translation services, and that respondent's mark so resembles petitioner's mark as to be likely to cause confusion, to cause mistake or to deceive. Petitioner also asserts that respondent's mark is disparaging and falsely suggests a connection with petitioner.<sup>2</sup> In its answer, respondent has denied the essential allegations of the petition for cancellation.

Only petitioner took testimony and filed a brief herein. No oral hearing was requested.

According to the testimony of Daniel Trevor, petitioner's president, petitioner began using the mark "From Arabic to Zulu" as early as January 15, 1993, when petitioner conducted a mailing of brochures advertising its interpreting and translation services. The mark has been used on envelopes, letterheads, business cards and on such collateral merchandise items as pens and mugs. Petitioner has also used the mark in connection with a Yellow Pages advertisement. Petitioner has also promoted its services

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<sup>2</sup> In its brief, petitioner argues only the issue of likelihood of confusion. Accordingly, no further consideration will be given

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using the mark at various trade shows since the fall of 1993. Petitioner has promoted its services to attorneys, insurance companies, doctors, the entertainment industry, public relations firms and to large corporations.

Petitioner has also filed an application to register the mark.

Petitioner has established that it used the mark "From Arabic to Zulu" since prior to the earliest date on which respondent may rely -- November 21, 1996 -- the filing date of the application which matured into respondent's registration. *Presto Products Inc. v. Nice-Pak Products Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988). Since the respective marks are virtually identical and because respondent's foreign language educational and translation services are closely related, if not identical, to petitioner's foreign language translation services, the contemporaneous use of these marks will obviously be likely to cause confusion.

Decision: The petition for cancellation is granted and respondent's registration will be cancelled in due course.

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to petitioner's claims of disparagement and false suggestion of a connection.