

THIS DISPOSITION IS  
NOT CITABLE AS PRECEDENT  
OF THE TTAB

Mailed: February 9, 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Trademark Trial and Appeal Board**

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In re David Adress

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Serial No. 76364167

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Request for Reconsideration

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David Adress, pro se.

Anne Madden, Trademark Examining Attorney, Law Office 103  
(Michael Hamilton, Managing Attorney).

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Before Chapman, Holtzman and Rogers, Administrative  
Trademark Judges.

Opinion by Chapman, Administrative Trademark Judge:

On December 13, 2004, the Board affirmed the Examining  
Attorney's refusal to register applicant's mark PC WIZ for  
"consulting services in the field of design, selection,  
implementation and use of computer hardware and software  
systems for others" under Section 2(d) of the Trademark Act  
in view of the registered marks, PC WIZARDS and the mark  
shown below



both issued to PC Wizards, Inc., and both for the following services:

"repair services for computer hardware, namely, personal computer end network installations and maintenance services"; and

"computer consulting services, namely, technical support services in the nature of troubleshooting of computer hardware and software problems via e-mail, by telephone or in person; maintenance of computer software; custom website design and hosting for others."

Applicant timely filed on January 7, 2005 a request for reconsideration. See Trademark Rule 2.144.

Applicant essentially contends that (i) his mark and the two cited marks differ in connotation and commercial impression; and (ii) "the conditions of sales involves a process by which a prospective purchaser gets to know and judge the capabilities of his supplier by participating in the specification of the work product. In the course of developing this first-hand relationship with his supplier, it is doubtful that the buyer would be confused with respect to source." (Request for reconsideration, p. 5.)

Applicant's arguments are similar to arguments previously made by applicant throughout the prosecution of

his application, and these arguments were considered by the Board as reflected in our final decision at pages 6-10. Based on the evidence of record, we fully analyzed the cited registrant's and applicant's marks in terms of, inter alia, connotation and overall commercial impression, and explained our conclusion thereon. We also fully analyzed the "conditions of sale" factor. (There was scant evidence of record on this factor. Applicant strongly argued this factor, but he presented no corroborating evidence thereof.) We explained that even if purchases of these computer services were made with care and/or were made by sophisticated consumers, when sold under such similar marks, consumers would likely be confused as to the source of the services.

We find no error in our December 13, 2004 decision. Accordingly, applicant's request for reconsideration is denied.