

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB

SEPT 23, 97

Paper No. 19  
PTH

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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American Telephone & Telegraph Company  
v.  
MCI Communications Corporation

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Opposition Nos. 93,432 and 94,033  
to application Serial Nos. 74/375,533  
and 74/393,296 filed on  
April 5, 1993 and May 21, 1993

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Robert M. Newbury of Pattishall, McAuliffe, Newbury,  
Hilliard & Geraldson for American Telephone & Telegraph  
Company.

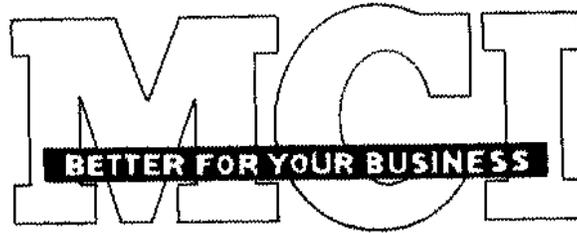
Elliott I. Pollack for MCI Communications Corporation.

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Before Sams, Cissel and Hairston, Administrative Trademark  
Judges.

Opinion by Hairston, Administrative Trademark Judge:

American Telephone & Telegraph Company has opposed  
registration of the marks BETTER FOR YOUR BUSINESS for  
"telecommunications services, namely electronic transmission  
of voice, data and information;"<sup>1</sup> and



for "telecommunications services, namely electronic transmission of voice and information."<sup>2</sup> In each case, opposer alleges that it is engaged in the advertising and sale of telecommunications services, including electronic voice and data transmission for businesses, which compete with similar services offered by applicant; and that the phrase BETTER FOR YOUR BUSINESS is merely descriptive of applicant's identified services.

Applicant, in its answers, denied the allegations in the oppositions.

The record consists of the pleadings and the files of the opposed applications. No evidence was introduced at trial by either party<sup>3</sup>, but the case was fully briefed. An oral hearing was not requested.

As the plaintiff in this proceeding, it was incumbent upon opposer to present facts and circumstances which would tend to show that the phrase BETTER FOR YOUR BUSINESS

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<sup>1</sup> Application Serial No. 74/375,533, filed April 5, 1993, alleging dates of first use of April 5, 1993.

<sup>2</sup> Application Serial No. 74/393,296, filed May 21, 1993, alleging dates of first use of April 11, 1993.

<sup>3</sup> The materials which accompanied the parties' respective summary judgment motions do not form part of the record of this case. See TMBP Section 528.05(a).

**Opposition No. 93,432 and 94,033**

immediately describes an ingredient, quality, characteristic, or function of applicant's services or that it conveys information regarding the nature, function, or purpose of such services. However, as previously indicated, opposer took no testimony and offered no other evidence herein. Applicant, in its answers, denied opposer's allegations. In view thereof, and since opposer has offered no evidence to establish that the phrase BETTER FOR YOUR BUSINESS is merely descriptive of applicant's services, opposer has failed to prove its case.

**Decision:** The oppositions are accordingly dismissed with prejudice.

J. D. Sams

R. F. Cissel

P. T. Hairston  
Administrative Trademark  
Judges, Trademark Trial  
and Appeal Board