

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB 7/12/00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Auto Wax Company, Inc.

Serial No. 75/130,696

Eric B. Meyertons of Conley, Rose & Tayon for applicant.

Gerald C. Seegars, Trademark Examining Attorney, Law Office
106 (Mary I. Sparrow, Managing Attorney).

Before Cissel, Hohein and Walters, Administrative Trademark
Judges.

Opinion by Walters, Administrative Trademark Judge:

Auto Wax Company, Inc. filed an application to
register the mark THE PROFESSIONAL DETAILERS' SECRET for
"cleaning preparations, waxes, and polishes for use on the
surface of vehicles, boats and airplanes."¹

Regarding this application, the Board issued a
decision on April 28, 2000, affirming the Examining
Attorney's refusal, under Section 6 of the Trademark Act,

¹ Serial No. 75/130,696, in International Class 3, filed July 8, 1996,
based on an allegation of use of the mark in commerce, alleging first
use and use in commerce as of September, 1994.

Serial No. 75/130,696

15 U.S.C. 1056, requiring a disclaimer of the term THE PROFESSIONAL DETAILERS'. The Board indicated that, under Trademark Rule 2.142(g), its affirmance of the disclaimer requirement would be set aside and applicant's mark would be published for opposition if applicant, no later than thirty days from the mailing of such decision, submitted, as an amendment to the application, a properly worded disclaimer of THE PROFESSIONAL DETAILERS'. On May 18, 2000, applicant submitted the required disclaimer.

Accordingly, the amendment to disclaim THE PROFESSIONAL DETAILERS' is approved and entered; the Board's decision of April 28, 2000, is set aside as to the affirmance of the disclaimer requirement; and, in view thereof, the application will be forwarded for publication in due course.

R. F. Cissel

G. D. Hohein

C. E. Walters

Serial No. 75/130,696

Administrative Trademark Judges,
Trademark Trial and Appeal Board