

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 13, 2014 –October 17, 2014**

Date Issued	Type of Case(1)	Proceeding or Appn. Number	Party or Parties	TTAB Panel (2)	Issue(s)	TTAB Decision	Opposer's or Petitioner's mark and goods or services	Applicant's or Respondent's mark and goods or services	Mark and goods or services cited by Examining Attorney	Examining Attorney	Issued as Precedent of TTAB
10-14	EX	85913690	S.S. Steiner, Inc.	Wellington* Kuczma Hightower	2(d)	Refusal Affirmed as to Class 5; Refusal Reversed as to Class 3		ALPHABIO [cleaning preparations for cleaning purposes in the food and food processing industry; cleaning preparations containing plant extracts for industrial use, excluding skin care products, namely, facial wash, toner, moisturizing and fade gel (Class 3)] [anti-microbial preparations for inhibiting bacteria, fungi and algae; anti-fungal preparations; anti-biotic preparations, for industrial and agricultural uses excluding transdermal patches for use in treatment of the human body (Class 5)]	ALPHA BIO <i>cited as basis for Class 3 refusal</i> [design, engineering, quality control and inspection services for others in the field of biopharm and hygienic process applications] ALPHA-BIOPLEX <i>cited as basis for Class 5 refusal</i> [skin care products, namely, facial wash, toner, moisturizer, and fade gel]	S. Benjamin	No
10-14	EX	85729804 85729823	Birds Eye Foods LLC	Kuhlke Taylor Gorowitz*	Serial No. 85729804 2(e)(1); Serial No. 85729823 2(e)(1), 6 and disclaimer	Refusal Affirmed as to Serial No. 85729804; Refusal Affirmed as to Serial No. 85729823 in absence of disclaimer		SAVORY SKILLETS Serial No. 85729804 BIRDS EYE SAVORY SKILLETS Serial No. 85729823 <i>both applications for</i> [frozen entrees consisting primarily of one or more of meat, fish, poultry or vegetables; frozen meals consisting primarily of one or more of meat, fish, poultry or vegetables] [frozen entrees consisting primarily of one or more of pasta or rice; frozen meals consisting primarily of one or more of pasta or rice]		N. Nguyen	No

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10-15	EX	77900983	CreditPal, LLC	Zervas Kuczma* Masiello	2(d)	Refusal Affirmed		CREDITPAL [advisory services relating to credit and debit control, investment, grants and financing of loans; consumer credit consultation]	CREDITPAL (and design) [downloadable computer software in the field of credit, finance, and insurance evaluation] [advertising services and provision of business information in the field of credit, finance, and insurance evaluation]	S. Vohra	No
10-15	EX	85834204	D'Andrea Family Limited Partnership	Kuhlke Ritchie Masiello*	2(e)(3)	Refusal Reversed		ARCATA [wine]		C. Rinaldi	No
10-15	EX	85808451	Roman Torgovitsky	Cataldo Mermelstein Bergsman*	2(d)	Refusal Affirmed		SOMA SYSTEM ("SYSTEM" disclaimed) [various physical exercise, education, and fitness services premised on myofascial release, trigger point therapy, and mindfulness medication]	SOMA REFLEXOLOGY ("REFLEXOLOGY" disclaimed) [massage; massage and therapeutic shiatsu massage; massage therapy services]	D. Johnson	No

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10-15	CU	94002592	Levin Tire Center, Inc. v. Irving Levine Automotive Distributors, Inc.	Bucher Zervas* Hightower	2(d)	Concurrent Use Registration Approved for Applicant; Existing Registrations Restricted	CU Applicant: LEVIN TIRE [retail shops featuring tires and tire accessories; retail tire stores]	Defending Excepted User: LEVINE AUTOMOTIVE AUTO PARTS (and design) ("AUTOMOTIVE" and "AUTO PARTS" disclaimed) LEVINE AUTOMOTIVE AUTO BODY PAINT TRUCK PARTS AUTO PARTS (and design) ("AUTOMOTIVE, AUTO PARTS, AUTO BODY PAINT" and "TRUCK PARTS" disclaimed) <i>both registrations for</i> [wholesale and retail distributorship services in the automotive field featuring parts and paints for automobiles, trucks and industrial equipment]			No
10-16	EX	85677182	Joy Industrial Co., Ltd.	Quinn Wellington* Hightower	2(d)	Refusal Affirmed		N NOVATEC (and design) [various parts and accessories related to bicycles, electric scooters, and motorcycles]	NOVATECK [tires, pneumatic, semi-pneumatic and solid tires for vehicle wheels, wheels for vehicles, inner tubes, wheel rims, and structural parts]	T. Singh	No

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10-16	EX	85826725	Cardeologie, Inc.	Quinn* Shaw Gorowitz	2(d)	Refusal Affirmed		CARDEOLOGIE [greeting cards, invitation cards, notecards, post-cards] [retail store services featuring greeting cards, notecards, invitation cards, postcards and gift items]	CARDOLOGISTS [wide variety of cards, including greeting cards, invitation cards, and note cards, and paper containers for cards]	N. Henry	No
10-16	EX	85746575	DM CTW, LLC	Zervas Shaw Adlin*	2(e)(1)	Refusal Affirmed		THE BEST APP TO DATE [downloadable software applications for mobile telecommunications devices and handheld computing devices for organizing personal relationships and dating, for providing coupons, rebates, discounts, vouchers or special offerings on goods and services from participating merchants and for receiving information on events and attractions]		K. Perry	No
10-16	EX	85709248	Holland & Hart LLP	Zervas Kuhlke* Gorowitz	2(d)	Refusal Affirmed		BEYOND THE OBVIOUS [legal services]	THINKING BEYOND THE OBVIOUS [business consultation services]	N. Kenealy	No

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10-17	EX	85733753	Silver Lining Villages, Inc.	Bucher Ritchie* Lykos	2(d); Rule 2.32 (identification)	Refusal Affirmed on 2(d) grounds based on Registration No. 1904705; Refusal Reversed on Rule 2.32 grounds		SILVER LINING VILLAGES (and design) ("VILLAGES" disclaimed) [charitable services, namely, providing emotional support services for military veterans, substance abuse victims, and homeless individuals by means of providing sufficient living support, training, and therapy comprising alternative and standard cognitive methodology to cope with and function in daily personal and job-oriented life, with a focus on genuine self-preservation and community survival, as well as enhancing self-development so as not to be dependent upon government resources or public subsidy]	SILVER LININGS Registration No. 1904705 [educational services, namely offering training and curricula to others in connection with the establishment of local peer support groups comprising members who have suffered traumatic change] SILVER LININGS Registration No. 2278168 [move-in service which provides customers with all services necessary to move into a new residence, namely, organizing of kitchen, bathrooms, closets, garage and hook-up of all electronic equipment] A SILVER LINING FOUNDATION ("FOUNDATION" disclaimed) Registration No. 4186457 [promoting public awareness of breast cancer prevention and treatment] [various charitable fundraising services to promote public awareness of breast cancer prevention and treatment]	J. H. Lee	No

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10-17	OPP	91191371	ClearChoice Holdings, LLC v. Dale D. Goldschlag, D.D.S., P.C.	Bergsman* Lykos Adlin	2(d)	Opposition Sustained	CLEARCHOICE DENTAL IMPLANTS ("DENTAL IMPLANTS" disclaimed) CLEARCHOICE DENTAL IMPLANT CENTER ("DENTAL IMPLANT CENTER" disclaimed) CLEARCHOICE (and design) all registrations for [dental services, namely, dental implant services]	RIGHTCHOICE [dental implant services]			No

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