

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 2-6, 1996

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	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 Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
12-2	EX	74/515,675	Metagenics, Inc.	Simms* Hanak Quinn	2(d)	Refusal Affirmed		"MONSTER 1100" [nutritional supplements, namely, high calorie powder drink mix providing electrolytes, vitamins, proteins and carbohydrates]	"MONSTER MASS" [nutritional supplement, namely, a protein and carbohydrate powder for use for weight gain]	Mandir	No
12-2	EX	74/533,633	Breadsmith Franchising, Inc.	Rice Simms Cissel*	2(d)	Refusal Affirmed (but only on the basis of the cited registration for the mark "THE BAGEL-SMITH")		"BREADSMITH" (and design) [baked goods, namely, bread, muffins, cookies, croutons; retail bakery store services]	"THE BAGELSMITH" [restaurant, bakery and deli services]; two word-and-design marks (each featuring the graphic representation of a child, seated and holding a bag on which the word "BAGELSMITH" appears in small letters) [restaurant, bakery and deli services]	F. Smith	No
12-3	EX	74/463,751	Ronald C. Cosser	Cissel Seeherman Quinn*	2(d)	Refusal Affirmed [but only on the basis of the cited registration for the mark "CRAFTSMAN SHOPPE CS" (and design)]		"THE CRAFTSMAN" (and design) [furniture]	"THE ART OF THE CRAFTSMAN" [furniture]; "CRAFTSMAN SHOPPE CS" (and design) [wooden furniture]	Taylor	No

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12-3	EX	74/538,222	Marin Mountain Bikes, Inc.	Simms Cissel Hairston*	2(e)(2)	Refusal Reversed		"SAN RAFAEL" [bicycles]		Straser	No
12-3	EX	74/538,223	Marin Mountain Bikes, Inc.	Simms Cissel Hairston*	2(e)(3)	Refusal Reversed		"SAUSALITO" [bicycles]		Straser	No
12-3	EX	74/495,933	Giltech, Inc.	Simms Cissel* Hanak	2(d)	Refusal Affirmed		"1919" [frozen desserts and ice cream]	"1919" [handmade chocolate candy]	Wilson	No
12-4	EX	74/426,267	DHL Airways, Inc.	Rice Seeherman Hohein*	Section 6(a) disclaimer requirement (of word "GLOBAL-TRACK")	Refusal Affirmed		"DHL GLOBALTRACK" [satellite tracing of documents and parcels delivered by air and courier]		Bush	No
12-4	EX	74/518,782	Pittsburgh Sports Heritage, Inc.	Sams Hanak* Quinn	2(d)	Refusal Reversed		"PITTSBURGH INNOCENTS" [t-shirts, sweatshirts, sweatpants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, nightshirts, hats/caps, warm-up suits, jackets, parkas, coats, wrist bands, shirts, boxer shorts, 3/4 sleeve jerseys, visors]	"INNOCENTS" [brassieres]	Crowe	No
12-4	EX	74/451,678	Healthy Calls Inc.	Simms* Hairston Walters	2(d)	Refusal Affirmed		"STERI-PHONE SHIELD" [sanitary covers/shields, not made of paper, for telephone handsets]	"STERI-PHONE" [sterile packaged telephones for personal use in hospitals, hotels, and other areas where infection control is a concern]	Belenker	No

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12-5	EX	74/481,435	Ultravit Enterprises, Inc.	Rice Simms* Walters	2(e)(1)	Refusal Affirmed		"ECHINACEASTICK" [medicated lip balm]		Levine	No
12-5	EX	74/316,378	Gourmets Fresh Pasta	Rice* Hanak Hairston	2(d)	Refusal Reversed		"RAVI-OLE" [breaded pasta filled with jalapeno peppers and/or other Mexican flavorings and cheese]	"MINI RAVIOLF" [ravioli in tomato sauce]; "RAVIOLIOS" (in stylized lettering) [ravioli]	Battle	No
12-5	EX	74/345,211	Bogdon Candy Co., Inc.	Simms Hanak* Hairston	2(d)	Refusal Reversed		"DOUBLE DIP" [candy]	"HEATH DOUBLE DIP ALMOND TOFFEE CHIPS (and design) [candy]	Bullock	No
12-5	EX	74/530,482	Outdoor Entertainment, Inc.	Rice Simms Walters*	Section 6 disclaimer requirement (of term "OUTDOOR ENTERTAINMENT")	Refusal Affirmed		"OUTDOOR ENTERTAINMENT" (and design) [entertainment services, namely, television programming]		Micheli	No
12-5	EX (R)	74/287,220	Darren Rittenhouse	Simms Hanak* Quinn	2(a) (falsely suggests a connection with the Baltimore Orioles baseball team and its owners); 2(d)	Request for Reconsideration Denied [Refusal Affirmed (on both grounds)]		"O's" (and design) [clothing, namely, t-shirts and caps]	"ORIOLES BALTIMORE" (and design) [shirts and caps]; "ORIOLES" (and design) [t-shirts and caps]; "WHY NOT" (and design) [t-shirts]; etc.	O'Lear	No

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12-6	EX	74/324,941	GTE Directories Corp.	Simms* Quinn Walters	2(d)	Refusal Reversed		"SENIORS DISCOUNT" (and design) [promoting the goods and services of others through the distribution of discount cards]	"SD SENIOR DISCOUNTS" [promoting the goods and services of others by indicating business merchants who advertise their senior citizens discount programs]	Battle	No
12-6	EX EX	74/630,464 74/630,465	Ciba-Geigy Corp.	Cissel* Hairston Walters	2(e)(4)	Refusal Affirmed (in both cases)		"HART" and "HARTS" [chemicals, namely, hindered amine radical traps, used as polymerization inhibitors]		D. Cohen	No
12-6	EX	74/538,329	Boston Espresso Co., Inc.	Sams Simms* Quinn	2(d)	Refusal Affirmed		"CONCERTO ESPRESSO" [professional electric espresso-making machines for hotel and restaurant commercial use]	"CAFFÈ MAURO CAFFÈ CONCERTO ESPRESSO" (and design) [coffee]	Greenbaum	No
12-6	EX	74/515,942	Metagenics, Inc.	Sams Rice Hohein*	2(d)	Refusal Affirmed		"MONSTER BITES" [nutritional supplements, namely, ready-to-eat dietary supplements]	"MONSTER MASS" [nutritional supplement, namely, a protein and carbohydrate powder for use for weight gain]	Mandir	No
12-6	OPP OPP OPP OPP [motion to dismiss all four oppositions]	99,845 100,431 101,186 101,216	William B. Ritchie v. Orenthal James Simpson	Sams Rice Quinn	2(a) [immoral/scandalous marks]; 2(e)(4)	Oppositions Dismissed		"O.J. SIMPSON" [figurines, trading cards, sportswear, toys, etc.]; "O.J." [figurines, trading cards, sportswear, toys, etc.]; "O.J. SIMPSON" [medallions and coins, prepaid telephone cards]; and "THE JUICE" [prepaid telephone cards]			Yes

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12-6	EX	74/380,570	A.M.R.P. Handels AG	Hanak Hohein Walters*	2(e)(1)	Refusal Reversed		"MECHANICAL MEMORY" [automatic machines, namely, packaging machines and filling machines for chemical, pharmaceutical, alimentary, and cosmetic articles; machines for making packaging and containers, labeling machines; machines for making of cigars and cigarettes, and packaging therefor, and storing machines for chemical, pharmaceutical, alimentary, and cosmetic articles]		Fine	No

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