

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 9-13, 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
12-9	EX	74/492,236	Terra Int'l., Inc.	Simms* Hanak Hairston	2(d)	Refusal Affirmed		"ACTIVATE PLUS--SUPERIOR 90/10 NON-IONIC SPREADER/ACTIVATOR" (and design) [spreader/activator for use in connection with agricultural herbicides]	"ACTIVATE" [surfactant for use with herbicides, insecticides and fungicides]	Vavonese	No
12-10	EX	74/471,755	Seneca Sports, Inc.	Seeherman Hanak Hairston*	2(d)	Refusal Reversed		"FUTURA" [in-line skates]	"FUTURA" [racquetball rackets, tennis rackets, squash rackets and golf clubs] and "FUTURA PLUS" [golf clubs and golf balls]	Porter	No
12-10	EX	74/411,900	Hoechst AG	Rice Cissel* Quinn	2(e)(4)	Refusal Affirmed		"HOECHST" [plastic fibers, film, and sheet and microporous film and hollow fibers, for general industrial use; synthetic fibers and filaments, such as acetate staple; acetate yarn]		Fickes	No
12-10	EX	74/434,469	Thomas J. Herzfeld Advisors, Inc.	Rice* Seeherman Quinn	2(e)(1)	Refusal Affirmed		"THE CUBA FUND" [fund investment services]		R. Clark	No
12-11	EX	74/184,144	General Electric Co.	Simms Hairston Walters*	whether the application identified applicant's goods with enough specificity	Refusal Affirmed		"WASH DOWN DUTY" (and design) [electric motors]		Krebs	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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12-11	EX	74/595,548	Frank's Nursery & Crafts, Inc.	Simms Seeherman Hohein*	2(d)	Refusal Reversed		"ULTRA BRIGHT" [electric, multi-function, decorative, miniature, Christmas tree lights for indoor/outdoor use]	"ULTRA BRIGHTS" (and design) [halogen lamps]	Mermelstein	No
12-11	EX	74/592,912	No Fear, Inc.	Simms Cissel Hairston*	2(d)	Refusal Affirmed (as to both cited registrations)		"NO WEAR" [t-shirts, shirts, shorts, pants, sweat shirts, sweat pants, hats, visors, shoes, sandals and belts]	"NO!" and "NO! JEANS" [men's, women's, and children's jeans, shorts, jumpsuits, sweaters, blouses, tops, jackets, and skirts]	Krebs	No
12-11	EX	74/420,488	Carl Heyer, Inc.	Cissel* Seeherman Hairston	whether applicant has used the mark it seeks to register (i.e., whether the specimens support registration of the mark shown in applicant's drawing)	Refusal Affirmed		"VALUE FOR MONEY--VFM" [manicure instruments, namely, scissors, toe nail and finger nail nipper, and nail file and pusher and tweezers]		Cole	No
12-12	EX	74/488,423	James River Paper Co., Inc.	Rice* Simms Walters	2(d)	Refusal Reversed		"SCEPTER" [printing paper sold in the form of large rolls to commercial printers]	"SCEPTER" [thermal transfer ribbons for use in printers]	Butler	No
12-12	EX	74/518,783	Pittsburgh Sports Heritage, Inc.	Sams Hanak* Quinn	2(d)	Refusal Affirmed		"PITTSBURGH YELLOW JACKETS" [t-shirts, nightshirts, hats/caps, jackets, etc.]	"YELLOW JACKETS" [t-shirts, hats, jackets, and night shirts]	Crowe	No

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12-13	EX	74/545,359	Stable Micro Systems Ltd.	Rice Seeherman* Hohein	2(e)(1)	Refusal Affirmed (but applicant allowed time to submit disclaimer of word "TEXTURE")		"TEXTURE EXPERT" [computer software for use in an analyzer to analyze specific properties of food, pharmaceuticals and cosmetics]		Stine	No
12-13	EX	74/499,226	American Builders & Contractors Supply Co., Inc.	Simms Seeherman* Walters	whether the term sought to be registered is capable of registration on the Supplemental Register or is, rather, a generic term when applied to applicant's services	Refusal Affirmed		"CONSTRUCTION TRADE TOOLS" [mail order catalog services featuring tools, equipment, clothing and related materials used in the repair, renovation and improvement of real property]		Vanston	No

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