

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 13-17, 1997

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
1-10**	EX	74/235,238	PSE Concepts, Inc.	Rice Cissel* Seeherman	2(d)	Refusal Reversed		"PEEK-A-BOO BABY" [plush dolls]	"PEEK-A-BOO PALS" [stuffed toy animals]	Taylor	No
1-13	EX	74/519,199	K. Aram Zildjian	Cissel Hohein* Hairston	2(d)	Refusal Affirmed		"ZILDJIAN SPEAKERS" [loudspeakers]	"ZILDJIAN" (in stylized lettering) [three registrations, for, respectively, "musical percussion instruments," "cymbals, gongs, and bells," and "shirts, sleepwear, shorts, jackets, caps and sweatbands"]; plus six other registrations incorporating the word "ZILDJIAN" [each for musical percussion instruments or clothing items]	Schulman	No
1-13	EX	74/475,277	QVC, Inc.	Seeherman Quinn* Hairston	2(d)	Refusal Affirmed		"THE LOCKER ROOM" [providing at home shopping services in the field of sports clothing and equipment by means of television]	"THE LOCKER ROOM" [retail store services specializing in footwear] and "THE NATIONAL LOCKER ROOM" (and design) [retail outlet services and mail order catalog services featuring items licensed by professional sports league organizations]	Sanok	No

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

***This decision was inadvertently omitted from the Summary of Final Decisions for the week of January 6-10, 1997.*

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1-13	EX	74/520,360	City of Norfolk Virginia	Rice Seeherman Hanak*	2(e)(4) [surname]	Refusal Affirmed		"MACARTHUR CENTER" [operation of a shopping mall and leasing of shopping space to others]		Will	No
1-14	EX	74/207,315	EBSCO Industries, Inc.	Sams Rice Seeherman*	de jure functionality; distinctiveness under Sec. 2(f)	Refusal Reversed		configuration of a fishing lure [fishing lures]		Moorhead	Yes
1-14	EX	74/445,928	Louis C. Gunsberg dba PitStop Technologies	Simms* Cissel Hanak	2(d)	Refusal Affirmed		"PIT STOP" (and design) [glass repair kits for automobile windshields, consisting of sealant compositions, a syringe applicator, O-rings, and a clamping apparatus]	"PIT STOP" (and design) [automobile service station services; motor oil]	Nelson	No
1-14	OPP	89,301	Desarrollo Industrial Y Tecnológico, S.A. de C.V. v. 758895 Ontario Ltd. T/A N.O.A.O. Imports & Exports and S.C.M.N. Global Traders	Simms Hanak Hairston*	2(d); 2(e)(1) [merely descriptive]; 2(e)(1) [deceptively mis-descriptive]	Opposition Dismissed	"MASECA" (and design) [corn flour]	"LA MEJIHARINA" (and design) [prepared and packaged corn masa mix]			No

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1-14	EX	74/325,394	Santangelo Law Offices, P.C.	Rice* Seeherman Walters	whether the matter asserted for registration has been used on "goods in trade" and, thus, "in commerce"	Refusal Affirmed		design of a U.S. patent on a greeting card [greeting cards]		Butler	No
1-16	OPP (R)	92,996	Miguel Torres, S.A. v. Cantine Mezza-corona S.C.A.R.L.	Rice Cissel Hanak*	2(d)	Request for Recon-sideration Denied [Oppositio n Sustained]	"GRAN CORONAS" (in stylized form) and "CORONAS" (and design) [wine]	"MEZZACORONA" (and design) [wines and sparkling wines]			No
1-16	OPP	93,492	Lehman Brothers Inc. v. John L. Loeb, Jr. Associates, Inc.	Rice Simms* Cissel	2(d)	Opposition Sustained	"LEHMAN BROTHERS" and "LEHMAN-LOGIC" [various financial and investment services]	"LOEB-LEHMAN FUND MANAGEMENT CO." [financial management and advisory services]			No
1-16	EX	74/562,451	Manco, Inc.	Rice Cissel* Hohein	2(d)	Refusal Affirmed (as to both cited registra-tions)		"NO LICK SURE STICK" [envelopes]	"SURE STICK" [pressure sensitive adhesive labels]; "NO-LIK" [envelopes]	I. Williams	No
1-17	EX	74/634,915	Wartsila Diesel Int'l. Ltd. Oy	Cissel Seeherman* Walters	whether the mark asserted for registration is in use in commerce [mutilation]	Refusal Reversed		"WÄRTSILÄ" [diesel motors and internal combustion engines used in energy-production power plants and in ships as main propulsion engines and as auxiliary engines]		Straser	No

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1-17	EX EX	74/138,310 74/141,491	Microfibres, Inc.	Rice Hanak* Quinn	As to word mark "MICRO-FIBRES": 2(a) [deceptive], genericness, and Section 2(f) distinctiveness As to mark "MICRO-FIBRES" (and design): 2(a) [deceptive], requirement for Sec. 6 disclaimer of word "MICRO-FIBRES," and Section 2(f) distinctiveness	Refusal Reversed (in both cases)		"MICROFIBRES" and "MICROFIBRES" (and design) [both marks for fabrics for use in the manufacture of upholstered furniture sold to the upholstery industry]		Quinn	No
1-17	EX	74/504,838	The Breadshop, Inc.	Rice Hanak* Walters	2(d)	Refusal Reversed		"SIERRA-CRUNCH" [breakfast cereal]	"SIERRA SNACKS" (and design) [snack mix, consisting primarily of processed cereals, pretzels, breadsticks, wheat-based snacks and nuts]	Friedman	No

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1-17	EX	74/397,042	Nobody's Perfect, Inc.	Hohein* Hairston Walters	2(d)	Refusal Reversed		"NOBODY'S PERFECT" (in stylized lettering) [apparel retail store services selling goods of both first and irregular quality]	"NO BODY'S PERFECT" [feminine underwear]	Bonnet	No

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