

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 1-5, 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
9-2	EX	74/276,765	Maytag Corp.	Simms Hanak Walters*	2(e)(1) [genericness/ mere descriptive-ness]	Refusal Affirmed as to mere descriptive-ness, but registration allowed in view of applicant's alternative claim of distinctiveness under Sec. 2(f)		"MICRO-MESH" [filters for dishwashing machines]		Fine	No
9-2	EX	74/610,374	Five Star Productions, LLC	Simms Seeherman Hohein*	2(d)	Refusal Affirmed		"COMMONSENSE" [calendar desk pads and stationery]	"COMMON SENSE" and "SHIPMAN'S COMMON SENSE (and design) [file folders and binders]	Major	No
9-4	OPP	96,651	Rolex Watch U.S.A., Inc. v. Reuben Teves	Sams Hairston Walters*	2(d)	Opposition Sustained	design consisting of a crown [timepieces of all kinds and parts therefor]	design incorporating a crown and a jeweler's sawframe [jewelry, namely, rings, pins, brooches, pendants, necklaces, earrings, tie tacks, charms, bracelets, etc.]			No
9-4	EX	74/512,671	Franco's Restaurants Ltd.	Rice Quinn Hohein*	2(d)	Refusal Affirmed		"FRANCO'S" [restaurant and carry-out services, namely, for pizza and spaghetti]	"FRANCO'S DELI" (and design) [sandwiches, namely, cheeseburgers, BBQ, chicken, sausage, and submarine sandwiches]	J. Smith	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 1-5, 1997 (continued)**

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
9-4	OPP	96,228	Ellesse U.S.A. v. Shannon Int'l. Corp.	Rice Quinn Hairston*	2(d)	Opposition Sustained	<p>"ELLESSE" [spectacles, sunglasses, wallets, purses, key cases, business and credit card cases, shirts, t-shirts, sweaters, cardigans, jackets, waistcoats, coats, raincoats, caps, hats, gloves, trousers, shorts, dresses, overalls, suits, skirts, bathing suits, socks, stockings, belts, shoes and boots, foulards, neckties, diving wet suits, pipes, cigarette cases, pipe holders, lighters];</p> <p>"ELLESSE" (in stylized lower-case lettering) [jewels, trinkets, clocks, watches, sport bags, attache cases, travelling bags, umbrellas, towels, bathrobes, eye shades, toilet soaps, perfumes, after shaves, etc.]</p>	<p>"ELEESE" (in stylized lettering) [beauty masks, greases for cosmetic purposes, essential oils for personal use, perfumes, toilet water, dusting powder, talcum powder, cologne, skin cleansing milk, face creams, face make-up, make-up removers, face powder, cold cream, nail polish, nail polish removers, blusher, lipstick, eye shadow, eye liner, mascara, dentrifices, soaps; cleaning products, etc.]</p>			No
9-4	CANC	20,503	Dale A. Marschke v. Raewiks, Inc. & Global Textile Elite, Inc.	Cissel Hanak* Quinn	abandonment	Petition to Cancel Denied		<p>"RIVER RUN" [clothing for skiing, hunting and fishing, namely, jackets, vests, pants, overalls and one piece suits]</p>			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 1-5, 1997 (continued)**

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
9-4	OPP	90,662	Geoffrey, Inc. v. Floors 'R' Us, Inc.	Rice Quinn Hairston*	2(d)	Opposition Sustained	"TOYS 'R' US" [retail toy store services, toys, etc.]; and a family of marks incorporating " 'R' US " [retail toy store services, toys, wearing apparel, luggage, umbrellas, dishes, blankets, photography services, retail bicycle store services, retail computer stores services, entertainment services, etc.]	"FLOORS R US" (and design) [retail and wholesale stores featuring flooring]			No
9-5	EX	74/599,568	Complementary Solutions Inc.	Cissel Hohein* Hairston	2(d)	Refusal Reversed		"TELEMATE" [computer software that monitors and reports information about telecommunications used by a business]	"TELE-MATE" (and design) [telephone headset, modular amplifier box]	Mermelstein	No
9-5	EX	74/532,378	Baby Gold Jewelry, Inc.	Cissel Hairston* Walters	2(e)(1)	Refusal Affirmed		"GIRLS GOLD COLLECTION" [gold jewelry]		Alt	No
9-5	EX	74/444,307	Klein Bicycle Corp.	Hanak Quinn* Hohein	2(d)	Refusal Affirmed		"STRATUM" [bicycle handlebars]	"STRATOS" [bicycles]	Baxley	No
9-5	EX	74/682,940	Forrest Keeling Nursery, Inc.	Simms* Hohein Walters	2(d)	Refusal Affirmed		"RPM ROOT PRODUCTION METHOD" [live plants, trees, shrubs]	"RPM" [fertilizer for horticultural purposes]	Delaney	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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