

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 22-26, 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
9-23	EX	74/506,610	Optische Werke G. Rodenstock	Hohein Hairston Walters*	2(d)	Refusal Affirmed		"SOLITAIRE" [coatings for spectacle lens]	"SOLITAIRELENS" [contact lenses]	Mathews	No
9-23	OPP	98,027	B.U.M. Int'l., Inc. v. Jeff L. Kaplan	Sams Cissel Walters*	2(d)	Opposition Dismissed	"B.U.M. EQUIPMENT" (and design) (and several other "B.U.M." marks) [clothing, accessories, and promotional items]	"B.U.M. SYSTEMS 'BUYING USED MUSIC'" [retail store services in the field of used compact discs, CD-ROM, audio, visual and computer related items]			No
9-23	OPP OPP	93,432 94,033	American Telephone & Telegraph Co. v. MCI Communications Corp.	Sams Cissel Hairston*	2(e)(1); requirement for disclaimer of descriptive matter	Oppositions Dismissed [for failure of opposer to offer any evidence in support of its oppositions]		"BETTER FOR YOUR BUSINESS" [telecommunications services, namely, electronic transmission of voice, data and information] and "MCI BETTER FOR YOUR BUSINESS" [telecommunications services, namely, transmission of voice and information]			No
9-24	EX	74/662,272	Masterchem Industries, Inc.	Simms Cissel Hohein*	2(d)	Refusal Affirmed		"KILZ PRIMETIME PRIMERS" (and design) [paint primer]	"PRIME TIME" [roof coating]	Micheli	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 22-26, 1997 (continued)**

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9-24	EX EX	74/381,796 74/381,797	Dale G. Paulson	Simms* Seeherman Hohein	whether the matter asserted for registration functions as service marks for the services recited in applicant's applications (as shown by the specimens of record)	Refusal Affirmed		"SHAPERS" and "MAILBOXERS" [market research and business consulting services]		F. Smith	No
9-25	OPP	98,455	Snake River Brewing Co., Inc. v. Lewis & Clark Snake River Beverage Co.	Sams Simms* Hairston	2(d)	Opposition Sustained	"SNAKE RIVER" [beer]	"LEWIS & CLARK SNAKE RIVER BEVERAGE COMPANY" [non-carbonated soft drinks]			No

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