

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 24-28, 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
2-25	EX	74/511,849	Strippit, Inc.	Rice Hanak* Hohein	2(e)(1) [deceptively mis-descriptive]	Refusal Reversed		"SMART TOOL" [tooling for punch presses]		Baxley	No
2-26	EX	74/498,247	Brian Santone	Seeherman Hohein Walters*	whether applicant is using the mark sought to be registered in connection with the services recited in the application	Refusal Affirmed		"SANTONE LURES" [manufacture of fishing lures to the order and/or specification of others]		Doninger	No
2-26	EX (R)	74/101,177	EBSCO Industries, Inc.	Sams Rice Seeherman*	whether the configuration of applicant's goods, which configuration applicant claims as its trademark, is de jure functional and, if not, whether the configuration is inherently distinctive	Request for Reconsideration Denied [Refusal Affirmed (on both grounds)]		configuration of a fishing lure [fishing lures]		Moorhead	No
2-26	EX	74/453,230	John Michaels, Inc.	Cissel* Seeherman Hohein	2(d)	Refusal Affirmed		"MICHAEL'S" [frozen custard]	"MICHAEL'S" (and design) [restaurant services]	Milton	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 24-28, 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
2-26	OPP OPP OPP OPP OPP	85,880 85,881 85,884 85,903 85,952	SAS Institute Inc. v. Scientific and Engineering Software, Inc.	Cissel Hohein* Hairston	2(d)	Oppositions Dismissed	“SAS,” “SAS/IMS,” “SAS/IMS-DL/I,” (and others) [all for “prerecorded computer programs” and/or “computer program manuals”]; “SAS/ETS” [prerecorded computer programs pertaining to econometrics and time series analysis and computer program manuals pertaining to same]; “SAS” (in stylized lettering) [computer programs for use in data management and analysis and information processing and user manuals for such programs]; “SAS/ASSIST” [computer programs for use as a menu driven user interface]; “SAS/STAT” [computer programs for use in data analysis and information processing and user manuals for such programs]; “SAS/CPE” [computer programs used in computer performance evaluation and user manuals for such programs]; et al.	“SES” (and design), “SES/SIM,” “SES/SCOPE,” and “SES/RTL” [all five marks for “computer programs and instructional manuals supplied therewith, all for use in the evaluation, design and simulation of complex electronic systems”]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (R)=Request for Reconsideration

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