

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**November 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
11-24	EX	74/435,113	San Pasqual's, Inc.	Hanak Hohein Hairston*	2(d)	Refusal Affirmed (but only as to those three cited registrations that include restaurant services in the recitation of services)		"PASQUAL'S SALSARIA" [restaurant takeout and catering services featuring Southwestern, Santa Fe and Mexican foods; and retail store services featuring Southwestern, Santa Fe and Mexican foods and food-related items, namely, corn husks, pots, pans, and utensils]	two registrations for the mark "PASQUALE'S" (in stylized lettering), plus a graphic representation of a chef [one registration for restaurant services and one for various food items]; two registrations for the mark "PASQUALE'S" (in stylized lettering) [one registration for restaurant services and one for various food items]; and one registration for the mark "PASQUALE'S" (in different stylized lettering from the cited registrations, above) [pizzas, spaghetti, pasta and Italian-style sandwiches for consumption on and off the premises and restaurant services]	Dunn	No
11-25	EX	74/620,198	Sports Heritage, U.S.A. Inc.	Sams Seeherman Hanak*	2(d)	Refusal Affirmed		"PHILADELPHIA BLAZERS" [clothing, namely, t-shirts, sweatshirts, jerseys, hats/caps, and sport shirts]	"BLAZERS" [a wide array of apparel including t-shirts, sweat shirts, jerseys, hats and sport shirts]	Saito	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**  
**November 24-28, 1997 (continued)**

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11-26	EX	74/032,585	Sambado & Son, Inc.	Sams Rice Cissel Seeherman Quinn Hohein Hairston* Walters	whether the Board will review the Examining Organization's determination that there was "clear error" in the initial examination of this intent-to-use application ("clear error" being the standard for issuance of a new substantive refusal once the statement of use was submitted); whether the matter sought to be registered is capable of registration on the Supplemental Register [genericness]	Refusal Affirmed (on the basis of genericness), but the Board refused to review (i.e., "second guess") the Examining Organization's "clear error" determination		"FRUTTA FRESCA" (in stylized lettering) [fresh deciduous fruits]		Evanko	Yes

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