

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 28 - May 2, 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
4-28	EX (R)	74/453,230	John Michaels, Inc.	Cissel* Seeherman Hohein	2(d)	Request for Reconsideration Denied [Refusal Affirmed]		"MICHAEL'S" [frozen custard]	"MICHAEL'S" (and design) [restaurant services]	Milton	No
4-28	EX	74/600,065	Synthetic Industries, Inc.	Hanak* Quinn Hohein	2(e)(1)	Refusal Reversed		"EC-DESIGN" [computer software programs for the design of geosynthetics including geotextiles and erosion control materials]		Striegel	No
4-30	EX	74/399,457	Fleetguard, Inc.	Simms Hohein* Hairston	2(e)(1); whether matter asserted for registration has acquired distinctiveness under Sec. 2(f)	Refusal Reversed [Board finds acquired distinctiveness under Sec. 2(f)]		"SEPARATION TECHNOLOGIES" [elements for hydraulic machinery and land vehicles]		Micheli	No
4-30	EX	74/462,760	Celliers du Monde, Inc.	Seeherman Hanak Walters*	2(d)	Refusal Affirmed		"CABALLERO DE CHILE" [wine]	"CABALLERO DE LA CEPA" [wines]	Mirman	No
5-1	OPP (SJ)	97,637	Aquion Partners Ltd. Partnership v. Envirogard Products Ltd.	Rice Cissel Quinn [opinion "By the Board"]	2(d); laches defense	Cross-motions for Summary Judgment Denied	"RAINSOFT" [water conditioning equipment, including water filters and water treatment equipment]	"RAINFRESH" (and design) [water filters and purifiers]			Yes

(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**  
**April 28 - May 2, 1997 (continued)**

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5-1	CANC	23,845	Stiffel Co. v. Mustaki, S. A.	Seeherman Hohein* Walters	2(d)	Petition to Cancel Denied	"STIFFEL" et al. [electric portable lamps]	"STIFEL" [rugs, carpets, and other textile floor coverings, linoleum floor coverings, tapestries not of textiles, and wallpaper not made of textiles]			No
5-2	EX	74/590,765	Baurch Zelikowics	Rice Seeherman Hanak*	2(d)	Refusal Reversed		"REPLEX" [shoes, shoe uppers, shoe heels, etc.]	"REPLEX" (and design) [woven fabrics used in the manufacturing of clothing]	Weigell	No
5-2	EX	74/432,590	Rockwear	Hohein Hairston* Walters	2(d)	Refusal Affirmed (but only on the basis of the cited registration for the "ROCK-WARE" mark)		"ROCK WEAR" (and design) [hats, shirts, shorts, jackets, and shoes]	"ROCKWARE" [graphics and personality apparel, namely, t-shirts, jerseys, sweatshirts, hats and visors]; "ROCK GEAR" [shirts and jackets]	D. Cohen	No
5-2	EX	74/648,091	Thomas Nelson, Inc.	Sams Rice Hanak*	2(d)	Refusal Reversed		"INSPIRATIONS THOMAS NELSON GIFTS" (in stylized lettering) [note pads]	"INSPIRATION" [writing paper, index bristol and book papers; printing papers]	Martin	No
5-2	OPP	89,502	Jacques Bogart Int'l. B.V. v. Bogart, Inc.	Cissel Quinn Hohein*	2(d)	Opposition Dismissed (opposer having failed to submit any evidence to support its opposition)	"BOGART" [perfumes, toilet water, toilet soaps, deodorants, skin and body lotions, etc.]	"HUMPHREY BOGART" [deodorants, perfumes, body soaps, facial soaps, cosmetics, hair shampoos and conditioners, etc.]			No

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