

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 28 - August 1, 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
7-28	EX	74/324,490	Milliman & Robertson, Inc.	Rice Simms Hohein*	2(e)(1)	Refusal Affirmed		"HEALTH INSURANCE TREND MODEL" [periodical publications, consisting of reports, graphs, charts and data pertaining to health insurance trends; consulting services in the field of health insurance trends and health care cost containment; educational services, namely, conducting training classes in the field of health care costs containment and review]		Blohm	No
7-28	EX	74/801,178	McCaw Cellular Communications, Inc.	Simms Quinn* Walters	whether the matter asserted for registration functions as a trademark for the goods recited in the application	Refusal Affirmed		"1-800-IMAGINE" [cellular telephones and parts therefor; pagers and parts therefor; facsimile machines and user manuals and instructional books sold as a unit therewith]		Ferraiuolo	No
7-28	EX	74/590,808	John S. Fischer	Simms Hanak Hairston*	2(e)(1)	Refusal Reversed		"AIR CONTROL SCIENCE" [conducting feasibility studies, evaluation, consultation, and engineering in the field of dust collection systems; construction, installation, and maintenance of dust collection systems]		Leslie	No

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

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7-28	EX	74/591,009	Universal Electronics Inc.	Simms* Cissel Quinn	2(e)(1)	Refusal Affirmed		"KIDS CLICKER" [universal remote control units which are programmable to eliminate user access to select television channels and/or programs]		Peska	No
7-28	EX	74/612,608	Blue Cross & Blue Shield of Rhode Island	Simms Hanak* Hairston	2(d)	Refusal Reversed		"OPUS 123" [computer software program that allows doctors' offices to communicate electronically with the insurance provider, retrieving and submitting information and allowing doctors to make referrals to other doctors]	"1-2-3/G" [computer programs for spreadsheet applications containing a graphical user interface]; "1-2-3" and "123" (in stylized form) [pre-recorded computer programs recorded on magnetic disks]	Mermelstein	No
7-30	OPP	94,196	Eric Asadoorian, et al., dba Wavelength v. Frederic J. Martin III and Konrad Matthaei	Cissel Seeherman* Hanak	2(d)	Opposition Sustained	"WAVELENGTH" [musical entertainment services]	"WAVELENGTH" [prerecorded phonograph records, audio cassettes, compact discs, video cassettes and other musical sound recording, all featuring musical entertainment; entertainment in the nature of live performances]			No
7-30	EX	74/587,902	Millers Falls Tool Co.	Rice* Cissel Hohein	2(d)	Refusal Affirmed		"MOHAWK-SHELBURNE" [hand-powered construction tools, namely, saws, saw frames, saw blades and drill bits]	"MOHAWK" [hand-operated tools, namely, spur gear drill, sander, floor jack, die grinder, impact wrench and ratchet]	Greenbaum	No

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7-30	OPP	93,254	Success Partners and Success Holdings Co. L.L.C. v. Dynamic Pathways Co.	Simms Seeherman Walters*	2(d)	Opposition Sustained	"SUCCESS" and "SUCCESS (and design) [magazines pertaining to all aspects of personal, professional, and financial achievement]; "SUCCESS!" (in stylized letters) [general interest magazines]	"SUCCESS INC" [computer software regarding business plan writing]			No
7-30	EX	74/405,232	Weider Sporting Goods, Inc.	Simms Seeherman Hohein*	2(e)(1)	Refusal Affirmed		"STEP N' CRUNCH" [sporting goods, namely, a combination aerobic step and crunch board]		Gast	No
7-31	EX	74/617,280	Heartland Corp.	Rice* Cissel Walters	2(d)	Refusal Affirmed		"PROGLAS" (in stylized lettering) [cleaning solution for glass surfaces]	"PRO" [cleaning preparations]	Mayerschoff	No
7-31	EX	74/421,648	Dataweld, Inc.	Cissel Seeherman* Hohein	whether the specimens of record are sufficient evidence of trademark use of applicant's mark	Refusal Affirmed		"ACUTRAX" (in stylized letters) [computer software for tracking compressed gas cylinders]		Rauen	No
7-31	EX	74/481,825	Inset Inc.	Hanak Hohein Hairston*	2(e)(1); requirement for amendment of classification of goods	Refusal Affirmed (on both grounds)		"THE FUEL STABILIZER" [emission reduction units, namely, fuel stabilizing devices for land vehicles]		Micheli	No

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7-31	EX	74/602,744	Sunset Publishing Co.	Hanak* Quinn Hohein	Section 6 disclaimer requirement (of phrase "CREATIVE COOKING LIBRARY")	Refusal Affirmed (but appt. allowed time to submit disclaimer of COOKING LIBRARY; applicant need not disclaim word "CREATIVE")		"SUNSET CREATIVE COOKING LIBRARY" [series of recipe books]		Hershkowitz	No
7-31	EX	74/592,435	Roseway Transportation, Inc.	Simms Seeherman* Hairston	2(d)	Refusal Affirmed		"ROSE WAY" (and design) [freight transportation by truck and other intermodal means]	"ROSE TRANSPORT" (and design) [transportation of goods by truck]	Case	No
7-31	EX	74/459,297	Tera Computer Co.	Rice* Quinn Hairston	2(d)	Refusal Affirmed		"MTA" [general purpose parallel processing computers and computer software for use in operating such computers]	"MTA" [electronic equipment, namely, intelligent multi-port modules for use in interconnection of computer peripherals]	Mooney-Ritchy	No
8-1	EX	74/612,941	Countrywide Funding Corp.	Cissel Seeherman* Walters	2(d)	Refusal Reversed		design mark incorporating graphic representations of a building and a dollar sign [financial services, namely, a home equity line of credit program]	design mark incorporating graphic representations of a building silhouette and a dollar sign [providing mortgages for the purchase of real estate, etc.]	Mermelstein	No

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