

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
August 4-8, 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
8-5	CANC	21,800	Pennington Enterprises, Inc. v. Monsanto Co.	Cissel Hanak* Hairston	2(d) [priority]	Opposition Sustained	"COLOR YOUR GARDEN" [flower seeds]	"COLOR YOUR GARDEN" [flower seeds]			No
8-5	EX	74/596,434	Creativity, Inc.	Simms Seeherman* Quinn	2(d); 2(e)(1)	Refusal Affirmed (on both grounds)		"IN PLAIN ENGLISH" [books concerning computers and technology]	"PLAIN ENGLISH" [computer programs]	Seegars	No
8-5	OPP	96,152	U. S. Surgical Corp. v. Acuderm, Inc.	Rice Simms Walters*	2(d)	Opposition Dismissed	"AUTO SUTURE" [surgical stapling instruments and staples therefor]	"ACU-SUTURE" [surgical devices, namely, disposable devices for sewing or stitching surgical sites]			No
8-5	CANC	23,859	Texas Turkeys, Inc. v. William Terry Albea	Sams Seeherman Quinn*	2(d); fraud; laches defense	Petition to Cancel Granted [on 2(d) ground only]	"ARMADILLO WILLY'S" and "ARMADILLO WILLY'S BARBEQUE EST. 1983" (and fanciful armadillo design) [restaurant and catering services]	"ARMADILLO WILLY'S CAFE" (and fanciful armadillo design) [restaurant and catering services]			No
8-6	CANC	23,919	Lucrecia v. Physicians Aesthetic Research, Inc.	Sams Quinn Hohein*	abandonment	Petition to Cancel Denied		"LUCRÈCE" (and design) [skin care products]			No
8-6	EX	74/633,855	Super-conductor Technologies, Inc.	Simms Seeherman* Hohein	2(e)(1)	Refusal Reversed		"SUPERFILTER" [filters, namely, cryogenic electronic filters and cooled electronic filters formed from superconductive materials]		Lykos	No

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

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8-6	EX	74/433,460	Fun Factory, Inc.	Cissel Hanak* Quinn	2(e)(1)	Refusal Affirmed		"CARROUSEL PARK" [indoor amusement centers]		Delaney	No
8-6	EX	74/235,761	Lamit Industries	Cissel Seeherman* Quinn	2(d) [two registrations cited]	Refusal Reversed (as to both cited registrations)		"BENCHMARK" [architectural wall panel systems for exterior use]	"BENCHMARK" [doors for buildings]; "BENCHMARK SERIES I" [movable wall partitions]	Krisp	No
8-7	OPP	98,639	Ethyl Corp. v. Ethaco Corp.	Cissel* Quinn Hohein	2(d)	Opposition Sustained	"ETHYL" [fuels and combustion catalysts for fuels, including diesel fuels]	"ETHACO" [combustion catalyst for diesel fuel]			No
8-7	EX	74/432,960	Health Care and Retirement Corp. of America	Seeherman Hohein Hairston*	2(d) [six registrations cited]	Refusal Affirmed (but only on basis of registration of "INTER/MED" for short term major medical insurance services)		"INTERMED" [subacute and rehabilitative health care services]	"INTER/MED" [short term major medical insurance services]; "INTERMED," "DOOLEY/INTERMED," "DR. INTERMED," "AIRINTERMED," and "DR. INTERMED (and design) [all five registrations for "arranging for the provision of aid and comfort, including maintenance, medical attention and education to people in foreign lands"]	Butler	No

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8-7	EX EX	74/457,585 74/461,491	Advanced Corneal Systems, Inc.	Cissel Seeherman Walters*	2(e)(1)	Refusals Affirmed		"THERAPEUTIC CORNEAPLASTY" and "REFRACTIVE CORNEAPLASTY" [both marks for pharmaceutical preparations for the treatment of damaged or diseased eyes and medical services, namely, repair of the eye]		Jenkins	No
8-7	EX	74/618,290	Physicians' Online, Inc.	Quinn Hohein* Walters	2(e)(1)	Refusal Affirmed		"BY PHYSICIANS FOR PHYSICIANS" [computer services, namely, leasing access time to computer databases in the field of drugs and health treatment in printed and electronic form, and providing health maintenance and diagnostic and treatment information]		Taylor	No
8-8	EX	74/578,489	Michigan Discount Jewelers, Ltd.	Quinn Hairston Walters*	2(d)	Refusal Affirmed		"GREENS KEEPER" [sporting goods, namely, a divot repair tool for golfers]	"GREENSKEEPER" [spikes for golf shoes]	Cooney-Porter	No

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