

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 14-18, 1998**

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
12-15	OPP	99,024	Miguel Torres S. A. v. Casa Vinicola Gerardo Cesari S.R.L.	Simms Hairston* Walters	2(d)	Opposition Sustained	"TORRES" [wines and brandy]; "TORRES" (and design) [wines and brandy]; "TRES TORRES" (in stylized lettering) [brandy]	"DUE TORRI" (and design) [wines]			Yes
12-15	EX	75/060,774	American Home Improvement Products, Inc.	Cissel Wendel Bucher*	Section 6 disclaimer requirement (of the word "AMERICAN")	Refusal Affirmed		"AMERICAN HOMEPRO" [replacement doors made of metal, patio covers in the nature of a metal roof; replacement windows not made of metal, vinyl siding, patio covers in the nature of a non-metal roof]		Greenbaum	No
12-15	EX	75/043,780	Gabriel Castillo	Simms Quinn Wendel*	2(e)(1)	Refusal Affirmed		"LATIN AMERICAN PEOPLE DEVELOPMENTS" [magazines in the field of providing information regarding Latin Americans]		Perkins	No
12-16	EX	75/043,190	Delta Homes, Inc.	Cissel Wendel Bucher*	2(d); whether the specimens of record demonstrate trademark use of applicant's mark	Refusal Affirmed (on both grounds)		"DELTA" [manufactured housing, namely, mobile family homes with kitchen, bedrooms, and living rooms]	"DELTA STEEL BUILDING COMPANY DALLAS, TEXAS" (and background design) [prefabricated steel buildings]	Wellington	No
12-16	OPP	102,180	Deere & Co. v. JD American Workwear	Seeherman Hanak Wendel*	2(d)	Opposition Sustained	"JD" (in stylized lettering) [clothing]	"JD AMERICAN WORKWEAR" [work clothing, namely, pants, shirts, jackets, coveralls and uniforms]			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
December 14-18, 1998 (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
12-16	EX	75/101,885	Trim-A-Lawn Corp.	Simms* Hanak Wendel	whether the matter applicant seeks to register functions as a trademark for its recited goods; Sec. 6 disclaimer requirement (of representation of applicant's goods and of the "international prohibition symbol," i.e., a circle and slash design)	Refusal Reversed		design mark [lawn trimmers]		Straser	No
12-17	EX	74/716,067	Mitchell E. Peck	Simms Cissel Hairston*	2(e)(3)	Refusal Affirmed		"MEXICAN WATER" [bottled drinking water]		Bullock	No
12-17	OPP	102,216	Coca-Cola Co. v. Country Club Industries (U.S.A.) Corp.	Simms Cissel Hohein*	2(d)	Opposition Sustained	"POWERADE" [sports drinks and preparations and syrups for making same]	"SPORT POWERACE" [bottled drinking water]			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
December 14-18, 1998 (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
12-17	EX	75/019,666	Hartz & Co., Inc.	Simms Seeherman Wendel*	2(d)	Refusal Affirmed		"TALLIA" [cuff links and stud sets for use with formal wear shirts]	"TALIA" (and design) [jewelry]	R. Clark	No
12-18	OPP	102,846	SmithKline Beecham Corp. v. Xechem, Inc.	Seeherman Walters Chapman*	2(d)	Opposition Sustained	"PAXIL" [pharmaceuticals, namely, antidepressants]	"PAXETOL" [pharmaceutical preparations for use in the treatment of cancer]			No
12-18	EX	74/720,971	LTG Luft-technische GmbH	Cissel Hanak* Hairston	2(d)	Refusal Affirmed		"COOL WAVE" (and design) [air conditioning units; cooling units for room cooling, namely fans and air conditioners; fan heaters; ventilating fans and oscillating fans for private, commercial or industrial use; etc.]	"COOL WAVE" [combination window and floor fans]	Frazier	No
12-18	EX	75/055,648	Patient Comfort, Inc.	Cissel Hanak Bucher*	2(e)(1)	Refusal Affirmed		"FACE" [anesthesia monitoring apparatus]		Mandir	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