

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
November 16-20, 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
11-16	EX	74/618,806	Home Care Developments, Inc.	Seeherman* Hohein Walters	whether applicant demonstrated use of its mark in commerce [by means of displays associated with the goods]	Refusal Reversed		"SIC-KIT" [medical bags, sold empty]		Ward	No
11-16	EX	74/670,640	Tiffany & Broadway, Inc.	Quinn Hohein Chapman*	2(d)	Refusal Affirmed		"TIFFANY" [ladies' dress shoes]	"TIFFANY" [combs and belts for supporting wearing apparel]; "TIFFANY & CO." [combs and belts for supporting wearing apparel; retail store services specializing in the sale of jewelry, watches, clocks, silver flatware, etc.; men's ties]	Quinn	No
11-16	OPP	95,686	Genesco Inc. v. Street Beat Sportswear, Inc.	Simms Cissel Seeherman*	2(d)	Opposition Dismissed	"CODE WEST" [jackets and shirts, shoes and boots, and retail store services in the field of apparel and footwear]	"STREET CODE" [clothing, namely, hats, scarves, blouses, vests, jackets, sweaters, t-shirts, tops, dresses, pants, skirts, shirts, bottoms, hosiery, shoes, slippers, boots]			No
11-16	EX	75/119,935	Best Jewelry Mfg. Co., Inc.	Hairston* Chapman Bucher	2(d)	Refusal Affirmed		"VENDÔM" (and design) [watches]	"VENDOME," "PLACE VENDOME," and "VENDÔME" (and design) [jewelry]	Roppel	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 16-20, 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
11-16	EX	75/029,201	Laboratoire Rene Guinot	Cissel Hairston Chapman*	2(d)	Refusal Affirmed		"FRAÎCHEUR DE PEAU" [skin moisturizing, exfoliating, oil control, softening, smoothing, conditioning, toning, firming, tightening, and lifting preparations, and preparations to minimize the appearance of wrinkles]	"FRAICHEUR" [perfumes, eau de toilette, cologne, after shave cream, after shave lotion, after shave gel, face and body soap, shaving foam, shaving cream, anti-perspirant, deodorant]	Lauterbach	No
11-18	EX	74/710,159	UtiliCorp Holdings, Inc.	Sams Cissel Hanak*	2(e)(1)	Refusal Reversed as to 2(e)(1), but refusal "affirmed" pending applicant's submission of a disclaimer of the word "POWER"		"CUSTOM POWER PARK" [installation of operating equipment and systems; consulting, engineering, and design services; integration by various methods, including computer software, computer hardware, and electricity distribution networks, of operating equipment and systems—all being services related to the enhancement of power quality for energy customers concentrated in a particular industrial or commercial zone]		Schulman	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 16-20, 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
11-18	EX	74/631,952	Canon Kabushiki Kaisha	Simms Seeherman Hohein*	2(e)(1)	Refusal Affirmed		"MULTIPASS" (in stylized lettering) [facsimile machines connectable to personal computers and having printer function, scanner function and copying function and their accessories, namely, driver software therefor]		Cataldo	No
11-19	EX	74/715,137	The Inspirational Network, Inc.	Hohein Hairston* Wendel	2(d)	Refusal Affirmed		"ULTRA-C" [nutritional supplement, namely, Vitamin C]	"ULTRA-CEE" [vitamins]	Charlon	No
11-19	OPP	101,223	Crestar Financial Corp. v. Crestmark Financial Corp.	Cissel Seeherman* Walters	2(d)	Opposition Sustained	"CRESTAR" et al. [banking, securities brokerage, and insurance agency services]	"CRESTMARK BANK" [bank services]			No
11-19	EX	74/423,828	H-D Michigan, Inc.	Cissel Quinn* Chapman	2(e)(1)	Refusal Affirmed		"BIKER BLUES" [clothing, namely, shorts, gloves, hats, caps, boots, shoes, skirts, underwear, pajamas, belts, chaps, socks, scarves, suspenders, sweaters, rain suits, mittens and neckties]		Bonnet	No
11-19	OPP	96,313	Stinson Seafood Co., L. P. v. Triton Seafood Co.	Quinn Walters Wendel*	2(d)	Opposition Sustained	"NEPTUNE" [canned sardines]	"NEPTUNE'S" [fresh or frozen, cooked or uncooked seafood products, namely, conch chowder, clam fritters, ground conch, chopped conch, conch fritters and conch fillets]			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 16-20, 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
11-19	EX EX EX EX EX	74/459,806 74/459,808 74/459,812 74/459,813 74/463,374	Brass-Craft Mfg. Co.	Simms Hairston* Walters	whether the designations applicant seeks to register as trademarks function as trademarks for applicant's goods	Refusal Affirmed in all five cases		"USE WITH PLUMB SHOP SC OR RSC SERIES GAS CONNECTOR" (words within a circle); "USE WITH PLUMB SHOP SD SERIES GAS VALVE" (words within a square); "USE WITH PLUMB SHOP SL SERIES GAS VALVE" (words within a triangle); "USE WITH PLUMB SHOP SC SERIES GAS VALVE" (words within a circle); "USE WITH PLUMB SHOP SD OR RSD SERIES GAS CONNECTOR" (words within a square) [all five designations used in connection with appliance connectors made of metal]		Hines	Yes
11-20	EX	75/132,969	L. C. Licensing, Inc.	Seeherman Hohein Wendel*	2(d)	Refusal Affirmed		"LIZSPORT" [perfume, cologne, body creams, body lotions, talcum powder, skin soap, toilet soap, bath gel, shower gel, and non-medicated bath salts]	"LIZ" (in stylized lettering) [perfumes, toilet waters, makeup foundation, skin basis makeup, lipstick, eyelash mascara, blush, eyebrow pencils, skin oils, skin creams, skin milk, toilet soaps, nail varnish and polish, hair lotions, skin cleaning lotions]	Sappenfield	Yes

- (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 16-20, 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
11-20	EX EX	74/484,309 74/709,177	Semco, Inc.	Hanak* Quinn Wendel	2(d)	Refusal Reversed (in both cases)		"FLO-TRONICS" [machines for conveying and blending powdered, pelletized and granular materials, namely, gravity blenders, rotary airlocks, airlock feeders, line diverters, elutriators and cyclones]; "MAC FLOTRONICS" [machinery for conveying and blending powdered, pelletized and granular materials through a conduit, namely, gravity blenders, rotary airlocks, airlock feeders, line diverters, elutriators and cyclones]	"FLOTRONICS" [filter apparatus used for filtering solids from gases and liquids or filtering liquids from gases and for filtering one immiscible liquid from another]; "FLOTRONICS" (and design) [pneumatic system controls, namely, regulated valves for precision control and/or change of pneumatic pressure, rate of flow and/or direction that are used in pneumatically operated manufacturing and other apparatus]	Masiello	No
11-20	EX (R)	74/710,039	Theodore E. Charles	Simms Cissel* Seeherman	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"INVESTORS MARKETING" [investment brokerage services]		Michos	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