

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 26-30, 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
1-28	EX EX EX	74/605,313 74/633,387 74/610,287	Unisys Corp.	Quinn Hohein Walters*	Re: 74/605,313: Section 6 disclaimer requirement; Re: 74/610,287 and 74/633,387: 2(e)(1) refusal	Refusal Affirmed (in all three cases)		“USOFT THE SERVER/CLIENT SOFTWARE COMPANY” [advertising, promoting and marketing of computer software of others, namely, a series of object-oriented software development tools used to build programs, run and manage networks by distributing advertising information via electronic, hard copy and trade show presentations; installation of computer software and computer software consultation and computer programming for others]; “THE SERVER/CLIENT SOFTWARE COMPANY” <i>[all the services listed above]</i> ; “THE SERVER/CLIENT SOFTWARE COMPANY” [computer software, namely, a series of object- oriented software development programs used to build, run and manage applications; printed publications, namely, programmer, operator, installation and maintenance manuals for use with the above software]		Beverly	No

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1-28	EX	74/585,258	Wet Labs Inc.	Simms Quinn Walters*	2(e)(1)	Refusal Reversed		"SHOOTER" [automatic nozzles and nozzle controls, sold as a unit, for decorative water fountains; water display equipment, namely, decorative water fountains]		Wong	No
1-29	EX	74/077,096	Schering AG	Seeherman Quinn Walters*	whether the matter asserted for registration has been used as a trademark for the goods recited in the application [mutilation of mark shown on specimens]	Refusal Reversed		"PROGRESS" [herbicides for agricultural, domestic, and other related uses]		Blohm	No
1-29	EX	74/579,163	Golf Pro, Inc.	Simms Hohein Walters*	2(e)(1)	Refusal Affirmed		"GOLF PRO" [hotel and condominium services featuring golf]		Matthews	No
1-29	EX	74/515,132	Advocat Inc.	Simms Seeherman* Quinn	2(d)	Refusal Affirmed		"ADVOCAT ANCILLARY SERVICES" [health care services in support of nursing homes and retirement center services for inpatient care]	"ADVOCATE HOME CARE" [home and outpatient health care services]	Else	No

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

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1-30	EX (R) EX (R)	74/380,556 74/380,932	Nutrition Head-quarters, Inc.	Seeherman Hanak Hairston*	whether the matter asserted for registration functions as trademarks for the services recited in applicant's applications	Request for Reconsideration Denied [Refusal Affirmed (in both cases)]		a design consisting of a vertical arrangement of rectangles (in which the names and prices of applicant's products are displayed); a design consisting of a vertical arrangement of rectangles (in which the names and prices of applicant's products are displayed), with the word "FREE" enclosed within another rectangle to the side [both designs used in connection with mail order services for vitamin and mineral supplements, cosmetics, jewelry, wallets, housewares, kitchen accessories, health aids, and clothing accessories]		Sussman	No

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