

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 28 – October 2, 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
9-28	EX EX EX	74/265,139 74/802,305 75/975,964	DJS Associates, Inc.	Cissel Hairston Wendel*	genericness	Refusal Affirmed		"FORENSIC ENGINEERING SERVICES" [accident investigations and expert witnesses on highway, traffic and transportation safety], "FORENSIC ENGINEERING SERVICES" [highway safety testing and consultation; traffic and transportation engineering services] and "FORENSIC ENGINEERING SERVICES" [providing seminars and lectures in the field of highway, traffic and transportation safety]		Fine	No
9-29	EX	74/716,137	Unisys Corp.	Cissel Seeherman Hohein*	2(e)(1)	Refusal Affirmed		"SERVER/CLIENT" [installation of computer software, namely, a series of object-oriented software development tools used to build programs, run and manage networks; computer software consultation and computer programming for others of a series of object-oriented software development tools used to build programs, run and manage networks]		Beverly	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
September 28 – October 2, 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
9-29	EX	75/045,478	Rykoff-Sexton, Inc.	Seeherman Walters* Wendel	2(d)	Refusal Affirmed as to all cited registrations except that for the mark "GIOVANNI'S" for flavoring syrups, etc.		"GIOVANNI" [cheese; meats, namely, beef patties, beef wafer steaks, ham, meatballs, pepperoni, salami, sausage, sliced steak, and steak chips; processed peppers, namely, green pepper strips, roasted peppers and pepper strips in brine; shortening and processed tomatoes, namely, canned whole tomatoes and crushed tomatoes in heavy puree; coffee, namely, espresso; doughball; mayonnaise; pasta, namely, elbows, fettucine, lasagna, linguini, noodles, spaghetti and wagon wheels; pizza sauce; spices, namely, basil leaves, bay leaf, black pepper, processed garlic, MSG, oregano leaf, parsley flakes and red cayenne pepper; vinegar]	"GIOVANNI'S" [flavoring syrups, namely, almond gourmet syrup, chocolate syrup, Irish Cream syrup, Jamaican rum gourmet syrup and hazelnut gourmet syrup for sale in the restaurant supply industry]; "GIOVANNI'S" [bakery products, namely, bread]; "GIOVANNI'S" [meat; restaurant services]; "GIOVANNI'S" (and design) [restaurant services]	Wilson	No
9-29	OPP (SJ)	102,651	Corporate Document Services, Inc. v. I.C.E.D. Management, Inc.	Seeherman Quinn Wendel*	2(d) [priority]	Opposition Dismissed [applicant's motion for summary judgment granted]	"THE COPY CLUB" [various services related to document processing, copying, etc.]	"COPY CLUB" [various services related to document processing and handling]			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
September 28 – October 2, 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
9-29	EX	74/672,042	Open Software Associates, Inc.	Simms Hanak Hohein*	2(e)(1)	Refusal Affirmed		"OPENMESSAGE" [feature of a computer program for use in developing applications programs which provides for the sending and receiving of data records over a network]		Goodman	No
9-29	EX	75/048,341	Worldwide Financial Services, Inc.	Seeherman Hohein* Wendel	2(d)	Refusal Reversed		"WORLDWIDE SAYS YES\$, WHEN THE BANKS SAY NO" [mortgage and home equity loan services, mortgage brokerage services, first and second mortgage lending, equity financing, mortgage banking and real estate brokerage services]	"WHEN YOUR BANK SAYS NO, CHAMPION SAYS YES" [mortgage and home equity loan services]	Roppel	No
9-29	EX	75/173,118	Monarch Business Forms	Hanak Quinn Hohein*	2(d)	Refusal Affirmed		"MONARCH" [house mark for business forms]	"MONARCH" [loose-leaf structures, namely, ring binders and report covers]	C. Butler	No
9-29	EX	74/735,420	Kohl's Department Stores, Inc.	Seeherman Quinn Hohein*	2(d)	Refusal Affirmed		"M SPORT" (and "M" design) [men's, women's, and children's athletic wear and sportswear, namely, knit tops, knit shorts, knit pants, fleece tops, fleece shorts, fleece pants, jogging suits, socks and shoes]	"M.M. SPORT" [clothing, namely, men's, women's, and children's tops, bottoms, jackets, dresses, shirts, sweatshirts, sweatpants and vests]	Turner	No
9-29	EX	74/675,265	Wanted Shoes Inc.	Quinn Hohein* Hairston	2(d)	Refusal Affirmed		"WANTED" [footwear]	"WANTED" [foundation garments, particularly, brassieres]	Krebs	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
September 28 – October 2, 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
9-29	EX	75/051,067	KKH Corp.	Hanak Hohein* Wendel	2(d)	Refusal Affirmed		"CHAIR BUDDIES" [children's cushion seats in the form of stuffed fanciful figures of animals, birds or fish for use inside homes and other structures and in cars]	"CHAIR BUDDY IN A BAG" [folding beach chair furniture]	Singleton	No
9-29	EX	75/027,858	J. Paul Martha	Simms Hohein* Chapman	Sec. 6 disclaimer requirement (of words "INTERNATIONAL BASKETBALL LEAGUE")	Refusal Affirmed		"IBL INTERNATIONAL BASKETBALL LEAGUE" [entertainment services, namely, organizing and conducting basketball competitions and exhibitions]		Atchison	No
9-29	EX	75/123,945	Rack Room Shoes, Inc.	Hohein* Chapman Wendel	2(d)	Refusal Affirmed		"SAHARA" [shoes]	"SAHARA CLUB" (and design) [wearing apparel for men, women, children, and infants, including pants, shirts, sport jackets, suits, sweaters, dresses, skirts, blazers, neckwear, hats, belts, etc.]	Dunn	No
9-29	EX	75/009,259	Big Entertainment, Inc.	Simms Hairston Walters*	2(d)	Refusal Affirmed		"ACORNA" [various items of clothing, including sneakers, shoes, socks, etc.]	"ACORN" (and design) [footwear made at least in part of leather or sheepskin, namely, boots, shoes, and slippers]	Weigell	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

September 28 – October 2, 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
9-29	OPP	97,562	Rexall Sundown, Inc. v. Sukrol Laboratories Inc.	Seeherman Hairston Walters*	2(d)	Opposition Sustained	"IN-VIGOR-OL" [homeopathic drug/tonic]	"VIGOROL" [high potency vitamins for human consumption]			No
9-30	EX	74/620,872	Bedford Industries, Inc.	Simms* Hanak Walters	whether the configuration of goods applicant seeks to register as a trademark is inherently distinctive	Refusal Affirmed		configuration consisting of "transverse parallel ridges and valleys on one side of the web of material extending between the thickened embedded-wire edges of tie ribbons" [plastic double wire tie ribbon with or without an adhesive coating on one side]		Bonnet	No
9-30	EX	75/064,093	Lifelines Technology, Inc.	Simms Walters* Chapman	whether the matter applicant seeks to register functions as a trademark for its goods	Refusal Affirmed		ring design [time-temperature sensitive labels that monitor the condition of thermally sensitive products]		G. Clark	No
9-30	OPP	96,993	TGC Int'l, Inc. v. Novus Marketing, Inc.	Sams Simms* Walters	2(d)	Opposition Dismissed	"NOVUS" [insurance claim administration, repair of windshields, polymerizable material for glass repair, plastic polish and windshield repair kits; advertising and marketing services rendered to opposer's franchisees]	"NOVUS MARKETING, INC." [direct response advertising services for others, namely, placing advertisements in print media; list brokerage; list management; and bartering the goods and services of others]			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