

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 29 - July 3, 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
6-30	EX	74/349,470	GoldenCare Corp.	Simms Seeherman Hohein*	Whether the amendment to the ID is beyond the scope of the ID in the notice of allowance; whether the requirement for specimens showing service mark use was proper	Refusals affirmed		GOLDENCARE PROTECTOR [providing services to the life and health insurance industry; namely, conducting business and market research surveys for the development and marketing of life and health insurance products and annuities]		Bullock	No
6-30	OPP	88,423	Alanis Seafoods, Inc. v. La Gloria Foods Corp.	Cissel* Hanak Quinn	2(d)	Opposition sustained	GLORIA [canned, bottled, or packaged foods-namely, pickled peppers, olives, mixed garden salad, vinegar, onions, maraschino cherries, fruits, vegetables, fish, and grated cheese; and edible olive oil]	LA GLORIA [corn and flour tortillas and taco shells (in Int. Cl. 30)]			No
6-30	CANC (R)	22,815	Life Corp. v. Carefree Trading Corp.	Hohein Hairston* Walters	2(d)	Request for reconsideration denied (Petition to cancel granted)	LIFE, LIFE CORPORATION and LIFE CORPORATION OXYGEN PAC [emergency oxygen equipment, namely, resuscitators and inhalators]	LIFE MASK [face mask for applying cardiac pulmonary resuscitation]			No

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

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6-30	CANC	24,398	Life Data Labs, Inc. v. Helfter Enterprises, Inc.	Simms Cissel Quinn*	2(d)	Petition for cancellation granted	FARRIER'S FORMULA [nutritional supplements for animals]	FARRIER'S CHOICE [nutritional additives for livestock feed]			No
6-30	CANC CANC	23,341 24,964	Norman M. Mazer v. Electronic Realty Associates, L.P.	Seeherman Hanak* Quinn	2(d) and 2(e)(1)	Petitions for cancellation granted on 2(d) ground; petitions denied on 2(e)(1) ground; respondent's mark had acquired distinctiveness	IF WE DON'T SELL IT, WE'LL BUY IT [real estate services]	IF WE DON'T SELL YOUR HOUSE, WE'LL BUY IT! [real estate brokerage services]			No

6-30	CANC (SJ)	22,163	Harker's, Inc. v. Marie G. Kelley	Rice Quinn Hairston [Opinion "By the Board"]	Whether there was service mark use in commerce as of the date of the statement of use	Petition for cancellation granted as to Int. Cl. 41 on nonuse ground [motion for summary judgment granted]; fraud and 2(d) claims dismissed as moot; petition to cancel as to Int. Cl. 28 dismissed	FOOD DUDES [various food products]	FOOD DUDES [hand puppets, in Int. Cl. 28; production of an ongoing educational television program and video series regarding nutrition, in Int. Cl. 41]			No
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7-1	OPP	98,357	Taylor Corp. v. Barbara Schaffer	Rice Simms Walters*	2(d); whether opposer or the applicant has any rights in angel design sought to be registered	Opposition dismissed [case remanded to Ex. Att. under Rule 2.131 to refuse registration on ground that design is not used as a mark	Angel design [greeting cards; stationery]	Angel design [printed publications, namely greeting cards, cartoon books and illustrated children's books]			No
7-1	OPP (SJ)	105,178	Par-A-Dice Gaming Corp. v. Carnival Corp.	Seeherman Hohein Wendel [Opinion "By the Board"]	2(d)	Opposition sustained [motion for summary judgment granted]	PAR•A•DICE RIVERBOAT CASINO [entertainment services, including casino services, live performances by musicians and/or comedians; nightclub, bar and restaurant services; riverboat cruise services	PARADISE [cruise ship services, Int. Cl. 39; entertainment services, namely, casino services, producing and organizing stage shows, nightclub shows, contests and party planning services, in Int. Cl. 41; providing lodging, restaurant, catering and social function facilities, rental services for special occasions on board cruise ships, in Int. Cl. 42]			No

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