

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 6-10, 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
7-8	EX	75/017,413	Lancer Orthodontics, Inc.	Seeherman Hanak* Hohein	2(d)	Refusal reversed		IN ADVANCE and design [dental abrasives and polishes]	ADVANCE [dental restorative materials]	Doninger	No
7-8	OPP	101,856	General Electric Company v. Asha Records, Inc.	Simms Quinn* Walters	2(d)	Opposition sustained	design of dog with phonograph player [sound recordings and various electronic products]	ASHA RECORDS and fanciful rabbit design with phonograph player [pre-recorded tapes, phonograph records and compact discs featuring music]			No
7-8	EX	74/693,416	Volk Art, Inc.	Cissel* Seeherman Hohein	2(a)(deceptive) and 2(e)(1)(deceptively misdescriptive)	Refusals affirmed		BLANC DE CHINE [porcelain, namely, lamp bases, pots and figurines]		Tuccillo	No
7-8	EX	74/635,846	Raceway Lube Inc.	Cissel Hohein* Walters	2(d)	Refusal affirmed		RACEWAY LUBE [vehicle lubrication and oil change services]	RACEWAY [motor oil]	Lavine	No
7-8	EX	74/241,020	Fonovisa, Inc.	Hanak Quinn Hohein*	2(d)	Refusal reversed		MELODY and design [cassette tapes, compact discs and phonograph records bearing musical sound recordings in the Spanish language]	The word "MELODY" in Russian Cyrillic [phonograph records, audio cassettes and compact discs, all for musical recordings]	Sarai	No

7-8	OPP OPP CANC	93,526 95,936 22,550	Otis Elevator Company v. Schindler Aufzuge AG	Cissel, Hairston Walters*	2(d) and nonuse of the mark ESCALANT	Opposition s sustained as to 2(d); Opp. 93,526 dismissed as to ground of nonuse; judgment entered against respondent in canc. (reg. cancelled under Sec. 8)	ESCAL-AIRE [moving stairways and parts therefor]	ESCALANT [escalators; moving pavements and walkways; continuous passenger conveyors] SCHINDLER ESCALINE [escalators; moving pavements and walkways and other belt conveying apparatus for persons; continuous passenger conveyors] SCHINDLER ESCALANT [escalators, passenger walkways, continuous passenger conveyors]			No
7-9	OPP	96,081	Armstrong World Industries, Inc. v. La Crosse Acoustical Tile, Inc.	Hanak* Quinn Hohein	2(d)	Opposition sustained	SIGNATURE VINYL [acoustical wall panels]	SIGNATURE SERIES [custom designed acoustical tiles]			No
7-9	OPP	98,146	Seenergy Foods, Inc. v. Lico Brands, Inc.	Quinn Hairston* Walters	2(d) and 2(e)(1)	Opposition dismissed as to both grounds	CASALINGA and design [variety of food products]	CASALINGA [canned goods, namely, canned tomatoes and tomato based food sauces]			No
7-9	EX	74/688,234	Miavana Wholesale Co. Inc.	Seeherman* Quinn Hohein	2(e)(4)	Refusal affirmed		BATEY [canned vegetables, dried beans, fruit drinks and non- alcoholic malt based beverage, namely, malta]		Front	No
7-10	EX	74/431,164	Traditional Medicinals, Inc.	Hohein* Hairston Walters	2(d)	Refusal affirmed		GOLDEN GREEN TEA [teas]	THE GREEN GOLD TEA and leaf design [tea]	Strzyz	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