

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
April 5-9, 1999

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
4-5	OPP OPP OPP OPP OPP OPP	102,500 102,586 102,587 102,594 102,600 103,161	re:Member Data Services, Inc. v. Blackbaud, Inc.	Hohein Hairston Chapman*	2(d)	Oppositions Dismissed	"RE:MEMBER DATA SERVICES, INC." (<i>tradename use</i>) [providing credit unions with use of a computer database to access account information and transact banking business and credit card programs]	"RE:MEMBER" [add-on software modules for handling organization membership information]; "RE:QUEUE" [add-on software modules for setting up a sequence of reports or queries that can be run automatically and unattended]; "RE:VOLUNTEER" [add-on software modules for organizing, managing, and tracking volunteer staff]; "RE:ZIP" [add-on software modules for importing and/or exporting data to a third party mail house for standardization of addresses as well as the attachment of zip+4 information to the zip codes]; "RE:TRIBUTE" [add-on software modules for tracking gifts made in memory or honor of individuals, printing acknowledgments, etc.]; "RE:ALUM" [add-on software modules for maintaining and utilizing biographical elements to be used by schools/colleges in the solicitation of alumni]			No

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

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4-6	EX	74/595,979	Parkway Machine Corp.	Hohein Hairston* Chapman	whether the configuration of applicant's goods has become distinctive as a trademark and is registrable under Section 2(f)	Refusal Affirmed		configuration of the facing of a coin-operated bulk vending machine [coin-operated vending machines]		Lykos	No [Note: This decision vacates and corrects a decision originally issued on 3/30/99.]
4-6	EX	74/595,978	Parkway Machine Corp.	Simms* Walters Bucher	whether the configuration of applicant's goods has become distinctive as a trademark and is registrable under Section 2(f)	Refusal Affirmed		configuration of the facing of a coin-operated bulk vending machine [coin-operated vending machines]		Lykos	No [Note: This decision vacates and corrects a decision originally issued on 3/30/99.]
4-6	EX	75/025,160	International Data Group, Inc.	Simms Chapman Wendel*	2(e)(1)	Refusal Affirmed		"NET ENTERTAINMENT" [books, magazines, etc. in the field of interactive entertainment and information technology services; providing on-line books, magazines, etc. in the field of interactive entertainment and information technology services]		Benzmiller	No

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4-6	OPP	100,060	Mayer / Berkshire Corp. v. Noe-Equul Hosiery Corp.	Hanak Walters Bucher*	2(d)	Opposition Sustained	"EBONY RICH" [pantyhose]; "EBONY SUPREME" [pantyhose and hosiery]	"EBONIQUE" [hosiery, pantyhose, and socks]			No
4-7	OPP OPP	92,062 92,162	Warner-Lambert Co. v. Nabisco, Inc.	Cissel Quinn Bucher*	2(e)(1)	Oppositions Sustained		"BURSTING FLAVOR" [chewing gum]; "BURSTING WITH FLAVOR" [bubble gum and chewing gum]			No
4-7	EX	75/141,467	Brisk America LLC	Cissel Walters Bucher*	2(d)	Refusal Affirmed		"TRI STAR" [spark plugs]	"TRI STAR" [automatic transmissions with torque converters for automobiles and trucks, and parts therefor]; "TRI STAR" (and design) [land vehicle automatic transmissions with torque converter and parts therefor]; "TRI STAR" (and star design) [balanced torque converters for land vehicle transmissions]; "TRI STAR" (and globe design) [land vehicle transmission rebuild kits, sold as a unit]	Greenbaum	No

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4-7	OPP	105,165	CSC Brands, Inc.	Cissel Hohein* Walters	2(d)	Opposition Sustained	"V8" and "V8"(in stylized lettering) [vegetable juices]; "V8" (and design) [canned mixed vegetable juices which may be served cold or used as a soup preparation]; "V8 PICANTE" (and design) [vegetable juice]	"G8" [bread, breakfast cereals, granola-based snack bars, muffins, cookies, wheat-based snack foods in bar form, and crackers]			No
4-8	EX	74/693,924	Burrell Mining Products, Inc.	Hohein Walters Chapman*	whether the specimen of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered [mutilation]	Refusal Reversed		"THE CAN" (and design) [non-metal mine roof supports or props, namely posts]		Zervas	No

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4-8	EX	74/699,256	Hindman Mfg. Co. of Centralia, Inc.	Simms Hanak Bucher*	2(d)	Refusal Affirmed		"AMERICANA BUILDING PRODUCTS" [exterior aluminum awnings and canopies; exterior non-metal carports, columns, shelters, and patio enclosures in the nature of screened and glass rooms, and vinyl panels for roofing, doors and walls; exterior fabric awnings and canopies, patio covers in the nature of fabric awnings]	"AMERICANA COLLECTION" [aluminum siding]	Greenbaum	No

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