

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 18-22, 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
10-18	EX	75/139,991	Bill Collins Ford, Inc.	Seeherman Hanak* Hairston	2(d)	Refusal Affirmed		"CARSOURCE" (and design) [used motor vehicle dealerships]	"CARSOURCE" [consulting services related to the purchase or leasing of vehicles by consumers]	Front	No
10-18	EX	75/146,210	Agri Laboratories, Ltd.	Hanak (D) Quinn Wendel*	2(d)	Refusal Affirmed		"FLU-NIX" [analgesic and anti-inflammatory veterinary preparations for equine animals sold by prescription through veterinarians]	"FLUNIXAMINE" [anti-inflammatory preparations for veterinary use]	Powers	No
10-19	OPP OPP	102,929 104,583	Next PLC v. Nextec Applications, Inc.	Hohein Hairston* Chapman	2(d)	Opposition Dismissed (in both cases)	"NEXT" [clothing and accessories, retail store services in the field of clothing, etc.]; "NEXT DIRECTORY" [wallets, handbags, clothing, etc.]; "NEXT INTERIORS" [bedspreads, duvet covers, pillow cases, sheets, quilts and duvets]; "NEXT BOYS & GIRLS" [children's clothing]	"NEXTEC" (and design) [silicone-treated fabric for the following uses: floor coverings, industrial applications, home textiles, consumer apparel, and medical and laboratory products; material treatment services, namely, silicon fabric coating services to the order or specifications of others]			No
10-19	EX	75/166,761	Leiner Health Products Inc.	Hairston Wendel* Bottorff	2(e)(1); 2(d)	Refusal Affirmed (on both grounds)		"PHARMACEUTICAL GRADE" [vitamins and dietary food supplements]	"PHARMA-GRADE" (in stylized form) [dietary food supplements]	Charlon	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
October 18-22, 1999 (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
10-19	OPP	103,832	Maylon E. Dickey v. Metro Industries	Quinn Walters Bucher*	2(d)	Opposition Sustained	"E.C.O." [chemical-free absorbent granular mixture of baked clay and silicon sand for use by home owners, commercial business establishments, highway departments and fire departments in cleaning oil and grease spills on asphalt and concrete surfaces]	"E.C.G. ENVIRONMENTAL CLEANING GRANULES" (in stylized lettering) [cleaning preparations, namely, chemical free granular absorbent material of baked clay for use with patented cleaning equipment for absorption of liquid substances to include, but not limited to, oils, grease, transmission fluid, hydraulic fluid and anti-freeze]			No
10-20	OPP (R)	101,650	Nabisco, Inc. v. Sathers Inc.	Seeherman* Hanak Hairston	2(e)(1); genericness; whether applicant's mark has acquired distinctiveness under Section 2(f)	Request for Reconsideration Denied [Opposition Dismissed (based on findings of non-genericness and acquired distinctiveness of applicant's mark)]		"TANGY FRUITS" [candy]			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
October 18-22, 1999 (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
10-20	EX	75/232,074	Carolina Chem-Strip of Alamance, Inc.	Hanak Hohein Bucher*	2(d)	Refusal Affirmed		"CAROLINA CHEM-STRIP" (and design) [cleaning, stripping, descaling and degreasing metal appliances, machinery, fixtures, vehicles and assorted parts to remove paint and other finishes]	"CHEMSTRIP" [stripping agents for surface coatings and/or deposits]	R. McMorrow	No
10-20	OPP	105,231	Eco Soil Systems, Inc. v. Atlantic County Utilities Authority	Hohein Wendel* Bottorff	2(d)	Opposition Sustained	"ECO SOIL SYSTEMS" (and design) [consultation and soil analysis services for commercial and residential soil treatment; particulate and liquid fertilizers]	"ECOSOIL" [compost derived from the composting of vegetative waste]			No
10-21	OPP	103,197	Mid-America Energy Resources, Inc. v. Mid-American Energy Co.	Quinn* Hohein Bucher	2(d)	Opposition Sustained	"MID-AMERICA ENERGY RESOURCES, INC." [utility services, namely, distribution of chilled water to air-condition buildings]	"MIDAMERICAN ENERGY" [public utility services in the nature of electricity and gas distribution]			No
10-21	EX	75/106,443	Vepe Industria Alimentica Ltda.	Seeherman Quinn Hohein*	2(d)	Refusal Reversed		"NO "NO SUGAR " [dietetic foods, namely, candies without added sugar]	"NO-NO" [cookies]	Richard	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
October 18-22, 1999 (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
10-21	OPP	90,210	Holmes Products Corp. v. Honeywell Consumer Products, Inc.	Seeherman Hanak Wendel*	2(e)(1); whether applicant's mark has acquired distinctiveness and is registrable under Sec. 2(f); 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]	Opposition Sustained [only on 2(e)(1)/lack of 2(f) distinctiveness ground and not on "mutilation" ground]		"TURBO" [portable electric fans]			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
October 18-22, 1999 (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
10-21	CANC	26,520	Twenty-First Century Products, Inc. v. 21 st Century Marketing Group, Inc.	Simms Chapman Bucher*	2(d)	Petition to Cancel Granted (as to all three registrations)		"TWENTY-FIRST CENTURY MARKETING GROUP," "21 st CENTURY MARKETING GROUP," and "21 st CENTURY MARKETING GROUP—21" (and design) [<i>all three marks for finding sporting events and educational and environmental causes for corporate sponsorship and negotiating the terms of corporate sponsorship and coordinating the sponsorship activities</i>]			No
10-22	EX	75/267,267	Prestige Medical Corp.	Quinn* Walters Bottorff	2(d)	Refusal Affirmed		"PRESTIGE GIFTS" [novelties in the nature of pens, pre-imprinted with professional occupational slogans]	"PRESTIGE" [lead pencils, crayons, pencil leads, lumber leads, pencil point protectors, pencil holders, pencil lengtheners, pencil cases, lead boxes, mechanical pencils, penholders, metallic pens, stylographic pens, fountain pens, rubber erasers, and desk sets]	Fine	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