

**SUMMARY OF FINAL DECISIONS ISSUED BY
TRIAL AND APPEAL BOARD
July 19-23, 1999**

THE TRADEMARK

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
7-19	EX	75/005,241	Brewster Wall-covering Co.	Seeherman Hairston Bottorff*	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 Affirmed		"LONGWOOD" [wallcovering made of plastic, vinyl or paper]		Wellington	No
7-19	EX	75/121,998	TA Operating Corp.	Hairston Chapman Wendel*	2(e)(2)	Refusal Affirmed		"TRAVELCENTERS AMERICA" [truck fueling, repair and maintenance service and gasoline service station services; restaurant services and professional truck stop services]		Kline	No
7-20	OPP	96,375	Jim Peterik and Frank M. Sullivan, III v. Jimmy Jamison	Seeherman Quinn Wendel*	2(d) [priority]; abandonment [affirmative defense]	Opposition Sustained	"SURVIVOR" [entertainment services in the nature of a vocal and instrumental music group]	"SURVIVOR" [entertainment services in the nature of a vocal and instrumental music group]			No

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

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7-20	EX	75/196,637	Jerome Bettis	Cissel Hohein Chapman*	whether applicant's specimens show use of its mark in connection with the services recited in its application	Refusal Affirmed		"THE BUS" [entertainment services in the nature of football performances]		Mullen	No
7-21	CANC	19,683	Bridgestone/Firestone Research, Inc. v. Automobile Club de L'Ouest de la France (A. C. O.)	Hanak Quinn Chapman*	2(a) [false suggestion of a connection]	Counter-claim Petition to Cancel Granted	<i>counterclaim petitioner's claimed identity or "persona":</i> "LE MANS," used in connection with an automobile race	<i>counterclaim defendant's mark:</i> "LEMANS" [automobile tires]			No
7-21	EX	75/158,235	Virginia Tech Intellectual Properties, Inc.	Simms Chapman* Wendel	2(e)(1)	Refusal Affirmed		"SITEPLANNER" [interactive software package allowing user to assess the coverage regions of transmitters for wireless communications systems in indoor environments to create a building floor plan in real time]		Vanston	No
7-21	EX	74/719,339	Compania Tabacalera Santiaguense, S.A.	Sams Simms Wendel*	2(e)(3); 2(a) [geographical deceptiveness]	Refusal Affirmed (on both grounds)		"LA HABANERA" [cigars]		Reihner	No

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7-21	OPP	103,579	Georgia Bariatrics, P.C. v. Vitamin Logic, Inc.	Cissel Hohein* Bucher	2(d)	Opposition Sustained	"VITALOGIC" [vitamin, mineral, and herbal preparations]	"VITAMIN LOGIC" [vitamin preparations]			No
7-22	EX	75/030,088	EZSHOP Int'l, Inc.	Hairston Chapman Bucher*	2(d)	Refusal Reversed		"EZSHOP" [providing home shopping services via television and computer, featuring clothing, home furnishings, jewelry, electronics, collectibles, cosmetics, and exercise equipment]	"EASY SHOP" [mail, telephone and fax ordering services featuring toys]	Lobo	No
7-23	OPP	102,915	Carganza, Inc. v. Scholfield Auto Plaza, L.L.C.	Hohein Hairston* Chapman	2(e)(1); whether the activity in connection with which applicant uses its mark is a "service"	Opposition Dismissed		"CARGANZA" [automobile dealership services, namely, a periodic promotional event featuring automobiles]			No
7-23	CANC (SJ)	25,476	Litespeed Titanium Components, Inc. v. King Par Corp.	Seeherman Hairston Walters*	2(d); claim preclusion and issue preclusion [affirmative defense]	Petition to Cancel Dismissed [summary judgment granted on bases of claim preclusion and issue preclusion]	"LITESPEED" [bicycle frames for road bikes and mountain bikes]	"LITESPEED" [golf club shafts]			No

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7-23	OPP	103,010	Citicorp v. Citybroker Anlagenvertriebe--GmbH	Quinn* Hairston Walters	2(d)	Opposition Sustained	"CITIBANK" and other "CITI"-prefix marks [a wide range of financial services, including banking services and investment/brokerage services]	"CITYBROKER" [financial services, namely, financial planning related to domestic and international securities and including lease-purchase and loan financing; computer aided financial planning; trading and administration of stocks, etc. on international markets by means of telephone, fax, and computer networks; financial consulting and analysis; etc.]			No
7-23	EX	75/130,296	Teloquent Communications Corp.	Quinn Hohein* Walters	2(e)(1)	Refusal Affirmed		"VIDEO CALL CENTER" [telecommunications software for use in video conferencing]		B.G. Herman	No
7-23	EX	75/132,926	Simplicity Burial & Cremation, Inc.	Seeherman Hanak Quinn*	2(d)	Refusal Affirmed		"SIMPLICITY BURIAL & CREMATION SERVICES" (and "S" design) [funeral services, namely, embalming, burial, cremation and memorial services, and planning, coordinating and administering services therefor]	"SIMPLICITY" [funeral and cremation services]	Ehard	No

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