

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 22-26, 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
2-22	OPP	98,713	Arbor Software Corp. v. Zellweger Information Systems, Inc. and ArborWay Electronic Publishing, Inc.	Seeherman Quinn Chapman*	2(d)	Opposition Sustained	"ARBOR [computer software for use in business database and spreadsheet applications, namely, financial consolidation and reporting, product line analysis, sales analysis, performance and variance reporting, planning and budgeting and enterprise information systems]; "ARBOR SOFTWARE" [computer software for use in database and spreadsheet applications and instruction and user manuals sold in connection therewith]	"ARBORWAY" [computer software used to create and distribute stand-alone information management systems]			No
2-22	EX EX	75/039,811 75/039,813	Western Wireless Corp.	Hanak Hairston* Bucher	2(e)(1)	Refusal Affirmed (in both cases)		"TEXTSTREAM" [computer software, namely, disks, diskettes and CD-ROMS for use in the transmission of data between pagers and computer terminals; telecommunications services, namely, wireless voice and data transmission]		Micheli	No

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

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2-23	OPP	98,369	Taylor Made Golf Co., Inc. v. James I. Park	Cissel Quinn Hohein*	2(d)	Opposition Sustained	"TAYLOR MADE" [golf clubs, etc.]; a family of marks incorporating the word "TOUR," including "TOUR SPOON," "TOUR DRIVER," "TOUR BURNER," "TOUR CLEEK," and "TOUR PREFERRED" [golf clubs]	"TOUR MADE" [golf clubs, golf club shafts, golf club head covers, golf bags and golf gloves]			No
2-23	EX	74/525,973	American Power Conversion Corp.	Hanak* Quinn Bucher	2(d)	Refusal Affirmed		"POWERMANAGER" [power protection devices for use with computers and other sensitive electronic equipment]	"POWERMANAGER" [computer programs recorded on magnetic diskettes and instruction manuals therefor sold as a unit]	Osborne	No
2-23	EX	75/048,250	PH Pure Health	Cissel Hairston Wendel*	2(e)(1)	Refusal Reversed		"SUPER OXIDE" [chemicals, namely, alkaline and acidic water for use in food processing and preserving, industrial waste and agriculture; alkaline and acidic water for use as a topical disinfectant; water and electrolysis distilling units for producing alkaline or acidic water for use in agriculture, food processing, industrial waste treatment, and topical disinfectants]		Powers	No

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2-24	EX EX EX EX EX	75/069,804 75/069,805 75/069,810 75/069,999 75/074,218	First National Bank of Omaha	Hanak* Hohein Chapman	2(d)	Refusal Reversed (in all five cases)		"PLATINUM EDITION SAVINGS BOND" [banking services, namely, providing savings account services to credit card holders]; "PLATINUM PASSBOOK SAVINGS" [banking services, namely, providing savings account services to credit card holders]; "PLATINUM FUND SAVINGS" [banking services, namely, providing money market savings account services to credit card holders]; "PLATINUM" [banking services, namely, providing certificates of deposit and individual retirement account services to credit card holders]; "PLATINUM CERTIFICATE OF DEPOSIT" [banking services in the nature of certificates of deposit]	"PLATINUM ADVANTAGE" [banking services]	Cordova	No

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2-24	EX	75/061,139	CNET, Inc.	Hanak Hohein Wendel*	2(e)(1)	Refusal Reversed		"DOWNLOAD EXPRESS" [computer services, namely, providing on-line engines for searching or browsing electronic communications networks; providing software featuring a wide variety of general interest educational and entertainment subject matter that may be downloaded from electronic communications networks]		Thayer	No
2-24	EX	74/335,461	Scott G. Miller	Sams Hanak* Wendel	whether the matter applicant seeks to register functions as a trademark for its goods or is, rather, merely ornamental matter	Refusal Reversed		"ADRENALINE ACTIONWEAR" (and design) [sportswear, namely, t-shirts, sweatshirts, jackets, shorts, caps and hats]		LaMothe	No

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