

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 25-29, 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
1-25	EX	75/102,948	Carroll Company	Hanak Walters Chapman*	2(d)	Refusal Affirmed (but only as to the goods in Int. Cl. 3 of the cited registration)		"BRITE BOY" [liquid metal polish]	"BRIGHTBOY" (and design) [blocks and sticks made of abrasive impregnated rubber compound adopted for metal polishing and cleaning operations (in Int. Cl. 3); discs and wheels for polishing and grinding machines (in Int. Cl. 7)]	McMorrow	No
1-25	OPP	90,054	Child's Play (International), Ltd. v. Justin Products Inc.	Quinn Hohein Chapman*	2(d)	Opposition Sustained	"CHILD'S PLAY" [pre-recorded audio and video tapes featuring children's stories; children's books; playing cards]	"CHILD'S PLAY ELECTRONICS" (and design) [radios, phonographs, compact disc players, audio cassette players, walkie talkies and calculators]			No
1-26	EX	74/556,186	Marilyn Jean Edwards and Elizabeth Ann Glazner	Hanak* Chapman Wendel	2(e)(1); whether the statement of goods may be amended as proposed	Refusal Reversed (as to 2(e)(1) refusal); but mark will be published with goods as originally identified		"WAHINE MAGAZINE" [magazines for women in the field of water athletics, namely surfing, and including health and beauty information]		Kastriner	No

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

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1-26	OPP	101,198	Essilor Int'l. v. Axel Sattler	Sams Cissel Wendel*	2(d)	Opposition Dismissed	"VARILUX" [ophthalmic lenses and other vision related apparatus]	"VARILUX" [electric and electronic apparatus and devices, namely, electric lighting circuits and fluorescent lamp ballasts, especially for energy saving lamps; electric lamps and energy saving lamps]			No
1-29	EX	74/666,488	Azteca Restaurant Enterprises, Inc.	Hanak Quinn* Walters	2(d)	Refusal Affirmed		"AZTECA MEXICAN RESTAURANT" [restaurant services]	"AZTECA" [partially prepared Mexican foods, namely, tortillas]; "AZTECA" (in stylized lettering) [flour taco shells, flour tortillas, corn tortillas, chunky salsa; all-purpose flour-based tortilla]; "AZTECA FLOUR" (and design) [tortillas]	Masiello	Yes
1-29	EX	74/674,575	Keith Huber, Inc.	Cissel Quinn Hohein*	2(d)	Refusal Reversed		"DOMINATOR" [industrial trucks equipped for transporting and handling of liquid, solid and semi-solid materials]	"PRO DOMINATOR" and "STREET DOMINATOR" [both marks for intake manifolds for internal combustion engines for land vehicles]	Zervas	No
1-29	EX	75/008,728	Dan Cook and David Cook	Sams Simms* Quinn	2(d)	Refusal Affirmed		"SILVERADO ALE" [beer]	"SILVERADO" (and design) [vodka]	Sharper	No

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