

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 29 - April 2, 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
3-30	EX	75/092,656	Imperial Wall-coverings, Inc.	Sams Hohein* Hairston	2(e)(1)	Refusal Affirmed		"COLOR OPTIONS" [wallcovering sample books]		Coward	No
3-30	CANC	25,193	On-Line Careline, Inc. v. America Online, Inc.	Cissel* Seeherman Walters	whether respondent uses its registered mark in connection with the services listed in its registration	Petition to Cancel Denied		"ONLINE TODAY" [providing access to online computer services offering computer-industry news, commentary and product reviews]			No
3-30	EX	75/056,874	PH Pure Health	Seeherman Hohein* Chapman	2(e)(1)	Refusal Affirmed (but only to the extent that the word "ALKALINE" must be disclaimed)		"SUPER ALKALINE" [chemicals, namely, alkaline and acidic water for use in agriculture, food processing, industrial waste treatment, and topical disinfectants; 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
3-30	EX	75/058,375	Metz Baking Co.	Cissel* Chapman Wendel	2(d)	Refusal Affirmed		"GRANDMA'S" [fruit cakes]	"GRANDMA'S" and "GRANDMA'S" (and design) [cookies]	C. Wells	No
3-30	EX	75/033,653	Friggin Barnyard	Quinn Hohein* Wendel	2(a) [immoral or scandalous matter]	Refusal Reversed		"FRIGGIN" (and design) [decorative refrigerator magnets]		Lawrence	No

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3-30	OPP	101,584	Lloyd Eric Cotsen v. Sun Sportswear, Inc.	Sams Cissel* Quinn	2(d) [priority]	Opposition Dismissed	"GIRLS RULE" [women's apparel]	"GRRRLS RULE" [women's and children's clothing, namely, knit and woven tops, bottoms, shorts, and nightshirts]			No
3-30	EX	74/677,197	Diamond Communication Products, Inc.	Simms Cissel* Quinn	whether applicant's alleged trademark has acquired distinctiveness through use in commerce and is, therefore, registrable under Sec. 2(f)	Refusal Affirmed		"CABLE-TY" [hardware, namely, straps for securing communication cables]		Hines	No
3-30	EX	74/398,247	Spearhead Holdings, Inc.	Cissel* Seeherman Chapman	whether applicant's verification meets the requirements of Section 1(b)	Refusal Affirmed		"COLORBURST" [egg coloring kits]		C. Butler	No
3-30	EX	74/075,979	Louisville Bedding Co.	Cissel* Hohein Bucher	2(d)	Refusal Affirmed		"WONDER FOAM" [bed pillows]	"WONDER FOAM" [cushioning material made of foam plastic for pillows, upholstered furniture and bedding]	Mermelstein	No

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3-30	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 was vacated and a corrected decision issued 4/6/99.]
3-30	OPP	99,156	Best Western Int'l., Inc. v. Clubhouse Inns of America, Inc.	Cissel* Seeherman Chapman	2(d)	Opposition Sustained	"BEST GUEST" [hotel services for preferred customers]	"BEST GUEST" [hotel services]			No
3-30	EX	75/045,569	Lucent Technologies, Inc.	Simms Hairston Bucher*	2(d)	Refusal Reversed		"ULTIMAX" [telecommunications products, namely, outside plant structured cabling system consisting of copper, coaxial and fiber optic cable, cabinets, enclosures, cable connectors, composite cable and cable connectors, central office cable terminating devices, and telecommunications network interface devices]	"ULTIMAX" [transient voltage suppressors and conditioners]	Lobo	No

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3-30	EX	75/141,607	Nupo Inc.	Simms Hairston* Bucher	2(e)(1); 2(d)	Refusal Affirmed (on both grounds)		design mark incorporating the representation of a flea within a circle and slash design (the "universal prohibition symbol") [electrically powered flea traps and adhesive pad refills for flea traps]	mark consisting of the words "LAST STOP" (in stylized lettering) and a design incorporating the representation of a flea within a circle and slash design (the "universal prohibition symbol") [flea cleaning comb with flea trap]	Michos	No
3-30	CANC	22,060	Auburn Farms, Inc. v. McKee Foods Corp.	Sams Seeherman Quinn*	abandonment; counterclaim based on Section 2(d)	Petition to Cancel Granted; Counterclaim to Cancel Dismissed	"TOAST'N JAMMERS" [fruit juice sweetened pastries]	"JAMMERS" [filled cakes]			Yes
3-30	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	Yes [Note: This decision was vacated and a corrected decision issued 4/6/99.]
3-30	EX	74/414,871	Vienna Sausage Mfg. Co.	Cissel* Walters Wendel	2(d)	Refusal Affirmed		"BIG FOOT" [wieners]	"BIGFOOT" [retail convenience store services]	Bullock	No

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3-30	EX	75/229,671	Bankers Life and Casualty Co.	Cissel Seeherman* Wendel	2(d)	Refusal Affirmed (as to both cited registrations)		"SENIOR PROTECTION PLUS" [life insurance underwriting services]	"SENIOR PROTECTOR" [life insurance underwriting services]; "PROTECTPLUS" [voluntary group term life insurance offered through employers to employees]	Hughitt	No
3-30	EX EX	74/709,998 74/709,999	Delores J. Mosier	Simms* Cissel Hanak	2(d)	Refusal Affirmed		"FINANCIAL STRAIGHT TALK" [videotapes featuring a series of educational television programs concerning financial and business issues (pre-recorded); cable television production services in the nature of a series of educational television programs concerning financial and business issues]	"STRAIGHTTALK" [economic report published in print periodically]	Crawford	No
3-30	EX	75/078,400	Champion Spark Plug Co.	Cissel* Hairston Walters	2(d)	Refusal Affirmed (as to both cited registrations)		"CHAMPION" (and design) [clothing]	"CHAMPION" (in stylized lettering) [shoes]; "CHAMPION" [hosiery]	Roppel	No
3-31	EX	75/090,380	Prostats LLC	Cissel* Walters Bucher	2(e)(1)	Refusal Affirmed		"TOUR PRO STATS" (in stylized lettering) [computer software program which compiles and organizes statistical information to measure golfers' performance]		Cataldo	No

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3-31	EX	75/051,527	Platinum Technology, Inc.	Cissel* Hohein Hairston	2(e)(1)	Refusal Affirmed		"C/S TEST" [computer software for use in the field of database design and administration, programming, system administration and application software development, testing and debugging in stand-alone, distributed networking and client/server environments]		Vanston	No
3-31	OPP	100,151	Bose Corp. v. Navitar, Inc.	Simms* Seeherman Walters	2(d)	Opposition Sustained	"ROOMMATE" [loudspeaker systems]	"ROMMATE" [video display apparatus for displaying information contained on photo CD and CD ROM]			No
3-31	EX	75/041,823	Florida Leisure Acquisition Corp.	Cissel* Hanak (D) Wendel	2(d)	Refusal Affirmed		"WILD WATERS" [amusement parks, recreation services in the nature of water slides, swimming pools, a beach, volleyball courts, playgrounds, floating docks and picnic grounds]	"WILD WATER WILDERNESS" [amusement park services]	Lawrence	No
3-31	EX	75/099,296	Worldwide Links, Inc.	Cissel* Seeherman Chapman	2(d)	Refusal Affirmed		"GOLDEN BULL" (and design incorporating a bull's head) [rum]	"BULL," "THE BULL," and a design mark consisting of a bull's head [brewed malt liquor]	Bullock	No
3-31	EX	74/622,053	Casino Data Systems	Hohein Hairston* Walters	2(d); whether specimens demonstrate service mark use	Refusal Affirmed (but only under Sec. 2(d))		"OASIS" [computer programming services tailored for use by casino operators in a gaming environment]	"OASIS" [computer programs]; "OASIS" [electronic gaming machines]	Stine	No

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3-31	OPP	98,096	ADT Services, Inc. v. Safe Link Corp.	Simms* Cissel Hairston	2(d)	Opposition Dismissed	"SAFEWATCH" [security services monitoring fire, intruders, burglars and hold-ups; security systems, namely, alarm transmitters, intrusion detectors, and fire and smoke detectors and alarms], "CUSTOMER LINK" [installation and maintenance of burglar and fire alarms and security monitoring systems; transmission of information concerning the operation and monitoring of those systems]; "SIGNALINK" [line-type security apparatus for transmitting security signals over standard data communications networks; providing supervised leased-line type security for transmitted security signals over standard data communications networks]	"SAFE LINK" (and design) [operation of long-range radio networks to transmit signals for the benefit of the security monitoring industry]			No

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3-31	EX	74/300,843	Sunburst Products	Simms* Seeherman Walters	whether matter applicant seeks to register has acquired distinctive-ness as a trademark or is merely product ornamentation]	Refusal Affirmed		matching-color watch bezel and watch strap with a contrasting color of watch case [wrist watches]		Hines	Yes
4-2	EX	75/017,336	Thyssen Telecom AG	Cissel Walters Chapman*	2(d)	Refusal Affirmed		"XTEND" [maintenance and repairing of apparatus for telecommunications; rental of telecommunications apparatus, namely, communications equipment, systems for video conferencing, firewall systems, routers, multiplexers, and telephone PABXs]	"XTEND" [circuits for use in transferring data or electrical signals between two units of computer hardware]	Mermelstein	No
4-2	EX	75/058,139	Arrow Industries, Inc.	Seeherman Wendel* Bucher	2(d); Sec. 6 disclaimer requirement (of word "SACK")	Refusal Affirmed (on both grounds)		"HANDLE SACK" [plastic trash bags]	"HANDLE LINER" [trash can liners and trash bags]	Seegars	No

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4-2	CANC	21,069	Harjo et al. v. Pro-Football, Inc.	Sams Cissel Walters*	2(a) [scandalous matter; matter which may disparage; matter which may bring persons into contempt or disrepute]	Petition to Cancel Granted [but only on grounds that the marks may disparage or bring persons into contempt or disrepute]		"THE WASHINGTON REDSKINS," "REDSKINS," "WASHINGTON REDSKINS" (and a design of a human head in profile), and "THE REDSKINS" (and a design consisting of a spear and a human head in profile) [<i>all four marks for entertainment services, namely, presentations of professional football contests</i>]; "REDSKINETTES" [entertainment services, namely, cheerleaders who perform dance routines at professional football games and exhibitions and other personal appearances]; "THE REDSKINS" (in stylized lettering) [entertainment services, namely, football exhibitions rendered live in stadia and through the media of radio and television broadcasts]			Yes

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