

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
August 30 – September 3, 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
8-30	EX	75/164,644	Kispiox Forest Products Ltd.	Cissel Hohein Hairston*	2(d)	Refusal Reversed		"KFP" (and design) [lumber, namely finished boards for use in construction]	"KFP" [timber logs]	Wellington	No
8-31	OPP	102,129	No Fear, Inc. v. Steven Matthew Day	Cissel Walters* Chapman	2(d)	Opposition Dismissed	"NO FEAR" and "NO FEAR" (in stylized lettering) [various jewelry, clothing, and footwear items, including t-shirts, sweatshirts, visors, sandals and shoes]; et al.	"NO SPILLS, NO THRILLS" [t-shirts, sweatshirts, footwear and head wear]			No
8-31	CANC	24,163	Lee Drannan Smithson v. Emsa-Werke Wulf GmbH & Co.	Cissel Hairston Chapman*	2(d)	Petition to Cancel Denied	"FORKULA" [food handling tongs]	"TONGULA" [food tongs and spatulas]			No
8-31	EX	75/234,823	WABI Fishing Co., Ltd.	Seeherman* Hanak Hairston	2(d)	Refusal Affirmed (but only as to cited marks LEO'S (and design) and LEO'S GOURMET CUT" (and design))		"LEO'S OWN" [food products, namely, seafood]	"LEO'S" (and design) and "LEO" (and lion design) [both marks for packaged chopped ham, packaged chopped beef and packaged chopped turkey, and bottled meat flavored spreads]; "LEO'S GOURMET CUT" [chicken, turkey, ham, and other meats]	Spils	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
August 30 – September 3, 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
8-31	EX	74/136,476	CTB, Inc.	Sams Walters Bucher*	whether applicant's mark as shown in its proposed amended drawing (submitted in order to conform to its specimens of use) is a material alteration of the mark shown in the drawing originally submitted with the application [Trademark Rule 2.72(a)]	Refusal Affirmed		"TURBO"(and design) [ventilation systems for poultry and livestock houses comprising electric blowers, ducts, and controls]			Yes
8-31	EX	75/033,628	Continental Graphics Corp.	Seeherman Walters Bottorff*	2(d)	Refusal Affirmed		CONTINENTAL GRAPHICS [document reproduction services]	CONTINENTAL (and globe design) [printing services]	Tripi	Yes
8-31	EX	75/055,484	David Livingston	Hohein* Bucher Bottorff	2(d)	Refusal Affirmed		TRUE TRAC [watercraft, namely, inboard and outboard motorized boats and single-rider or two-rider recreational jet boats]	"RAC 14" (and design) [catamarans]	Berman	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
August 30 – September 3, 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
8-31	OPP	95,759	Vienna Sausage Mfg. Co. v. Bernard Levy	Hairston Chapman* Wendel	2(e)(1) [deceptively mis-descriptive]	Opposition Dismissed		"VIENERS" [sausages, frankfurters, and sandwiches made from vegetables, legumes, and processed grains]			No
8-31	EX	75/046,395	CA Think, Inc.	Hairston Bucher* Bottorff	2(d); 2(e)(1)	Refusal Affirmed (but only on 2(d) ground)		"PROFESSIONAL HELP DESK" [computer software and instructional manuals, sold together as a unit, for the management, tracking, and resolution of support inquiries and requests for help regarding computer technical issues]		Osborne	No
8-31	OPP	102,409	NBC Fourth Realty Corp. v. Martin Industries, Inc.	Sams Bottorff* McLeod	2(d)	Opposition Dismissed	"T.J. MAXX," "T.J. MAXX" (in stylized lettering), "T.J. MAXX" (in differently stylized lettering), "THE MAXIMUM FOF THE MINIMUM," "GET THE MAXX FOR THE MINIMUM" (in stylized lettering) and "THE MAXX FOR THE MINIMUM" [all six marks for retail department store services]; "T.J. MAXX" [athletic bags, purses, handbags, pocketbooks, wallets, umbrellas, travel bags, and luggage; clothing, footwear]	"GRILL MAXX" [barbecue grills]			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
August 30 – September 3, 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
8-31	EX	74/531,669	Rocktron Corp.	Seeherman Walters Bottorff*	2(d)	Refusal Affirmed		"CS" (and design) [electronic audio signal processing components, namely, encoders and controllers for surround sound or home theater sound recording, and decoders for surround sound or home theater playback]	"CS" [amplifiers]	Beck	No
9-1	OPP	104,845	Desktop Technologies, Inc. v. FLM Graphics Corp.	Seeherman* Chapman Bucher	2(d)	Opposition Dismissed	"COLORWORKS" [color separation services]	"COLORWORKS" [computer generated color prints]			No
9-2	EX	75/155,657	Janis Ian	Seeherman Hairston* Walters	whether the specimens of record demonstrate service mark use of applicant's mark	Refusal Reversed		"RUDE GIRL" (and design) [music publishing services]		Ward	No
9-2	EX	75/229,955	Herman Miller, Inc.	Cissel Wendel* Bucher	2(d)	Refusal Affirmed		"PUZZLE" [office furniture]	"PUZZLE CRAFT" [furniture]	Glembocki	No
9-2	EX	75/132,467	Fabwel, Inc.	Cissel Seeherman Walters*	2(d)	Refusal Affirmed		"FABWEL" [plastic molding services, namely, molding plastic parts]	"FABWELL" (and design) [metal fabrication services to the order and/or specifications of others]	First	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
August 30 – September 3, 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
9-2	EX	75/228,796	Yong K. Kim	Hohein Hairston Bottorff*	2(d)	Refusal Affirmed		“UTA MAKES HIGH TECH EASIER” [training services in the fields of science, communications, and economics, directed to work-world related skills; educational services, namely, conducting classes, courses, workshops, conferences, and seminars in the fields of science, communications and economics directed to developing work-world related skills]	“UTA” (and design) [educational services, namely, providing college and graduate level courses of instruction, continuing education courses and seminars, and opportunities for students to participate in research programs; and entertainment services, namely, college sport games and events rendered live and through the media of radio and television, musical concerts and entertainment, and performances of dramatic work]	Alt	No
9-2	EX	75/147,387	Pennsylvania Manufacturers' Association Insurance Co.	Seeherman Wendel* Bottorff	2(d)	Refusal Affirmed		“THE EXPLORER SERIES” [insurance services for businesses, namely, providing comprehensive property and liability risk management underwriting and claims administration]	“THE EXPLORER” [life insurance underwriting services]	Odin	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