

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

October 2-6, 2000

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
10-2	EX	75/267,810	H. Lee Browne	Quinn Chapman* McLeod	2(e)(1)	Refusal Reversed		"SIGNATURE-MAIL" [computer software which enables the user to insert images in electronic mail messages]		Madden	No
10-4	EX (R)	75/529,793	Bruce D. Watts	Simms* Wendel Holtzman	genericness [registrability on the Supp. Register]	Request for Reconsideration Denied (Refusal Affirmed)		"BIRTHDAY BALLOONS" [mail order gift balloon services]		R. Clark	No
10-4	EX (R)	75/161,148	24 Hour Fitness, Inc.	Hairston Wendel* Holtzman	2(e)(1); whether applicant's mark is registrable under Section 2(f)	Request for Reconsideration Denied (Refusal Affirmed)		"24 HOUR" (and background design) [health club services]		Fine	No
10-4	EX	75/347,743	V Communications, Inc.	Walters Chapman* Wendel	2(e)(1); whether applicant's specimens show trademark use of the matter applicant seeks to register	Refusal Affirmed (on 2(e)(1) ground only)		"OS WIZARD" [computer software for managing hard drives]		Griffin	No
10-4	EX	75/216,236	Special Products Corporation "SPECO"	Hohein* Hairston Bottorff	2(d)	Refusal Affirmed		"BIO-ST JOSEPH" [food supplements; and dietary supplements of vegetal origin]	"ST. JOSEPH" (in stylized lettering) [aspirin]	J. Dalier	No

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

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10-4	EX	75/531,955	Technion Communications Corp.	Hohein Hairston Wendel*	2(d)	Refusal Affirmed		"TECHNISOFT" [computer software for use in organizing, deriving, analyzing, compiling, and offering of consumer tendency information sourced from telephonic databases]	"TECHNOSOFT" [computer programs]	Shanahan	No
10-4	EX	75/299,225	Arrowsmith Int'l., Inc.	Seeherman Hairston Bucher*	2(e)(4)	Refusal Affirmed		"ARROWSMITH" [metal dies, jigs, and fixtures for use with machine tools]		Stine	No
10-4	EX	75/297,144	HealthTek, Inc.	Hanak Bucher* Holtzman	2(d)	Refusal Affirmed		"HEALTHTEK" (in stylized lettering) [retail store services in the field of pharmaceuticals and home health care supplies and equipment, etc.; rental of wheelchairs; rental of hospital-type beds, walkers, patient lifts, respiratory equipment, and oxygen tanks]	"HEALTHTECH REHABILITATION, INCORPORATED" and "HEALTHTECH" [both marks for health care services, namely, physical therapy, occupational therapy, and speech-language pathology aimed at restoration of mobility, physical, functional and communication ability; psychosocial services, namely, testing and consultation in the field of psychosociology aimed at overcoming mental and emotional barriers limiting restoration of mobility, physical, functional and communication ability]	Nelson	No

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10-4	EX	75/308,640	DML Marketing Group, Inc.	Seeherman Quinn Bottorff*	2(d)	Refusal Affirmed		"DAKOTA BLUE" [clothing, namely, anklets, knee highs, thigh highs and tights]	"DAKOTA" [snowmobile suits, jackets, coats, coveralls, ski pants and jackets, jumpsuits, and jackets]	Alt	No
10-4	EX EX EX EX	75/323,782 75/323,783 75/323,785 75/323,786 75/323,787	AIT, Inc.	Simms Quinn Rogers*	2(e)(3) as to all five applications; 2(d) as to Ser. Nos. 75/323,785 and 75/323,786	Refusal Affirmed in all five cases on all grounds asserted		"KEY LARGO LIMES," "KEY WEST WAHOOS," "MARCO ISLAND MANATEES," "SANIBEL STINGRAYS," and "SIESTA KEY SNOOKS" [all five marks for clothing, namely, shirts, sweatshirts, t-shirts, jackets, robes, sweaters, hats, caps, skirts, dresses, sweatpants, trousers, slacks, shorts, sleepwear and neckwear]	"MANATEE" [men's and women's sportswear, namely, shorts, pants, slacks, shirts, skirts, blouses, jackets, and coats]; "STING RAY" [boys' swimsuits]	Blaustein	No
10-5	EX	75/467,099	Times Mirror Magazines, Inc.	Hanak Bucher* Holtzman	2(d)	Refusal Reversed		"THE SPORTING NEWS FANTASY FOOTBALL CHALLENGE" [role playing games, namely, providing sports fans with a format wherein they are able to draft individual professional players from the field of football and compete with these selected individuals in fictitious playoff and championship games]	"FANTASY FOOTBALL" [entertainment service, namely, conducting a mock football game]	Fisher	No

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10-5	EX	75/379,524	Autodesk, Inc.	Seeherman Bucher* McLeod	2(d); whether the identification of goods is acceptable	Refusal Affirmed (on 2(d) ground only)		"QUICKCAD" [computer programs in the nature of three-dimensional animation and graphics software, all for character based and graphics design modeling applications and interactive multimedia applications and instructional manuals sold as a unit therewith]	"QUICKPEN CAD" (and design) [computer software programs used for computer-aided-design, and, computer-aided-manufacturing, and instructional manuals sold as a unit therewith; and computer peripherals]	Brown	No
10-6	EX	74/654,765	Ferris Corp.	Chapman Rogers McLeod*	de jure functionality; whether applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed (on both grounds asserted)		the color pink applied across the entire surface of applicant's goods [surgical and post-surgical wound dressings for use in covering and packing incisions and wounds; wound dressings for dermal ulcers, pressure sores, decubitous and vascular ulcers]		Rupp	Yes
10-6	EX	75/179,289	Gelati Int'l., Inc.	Hanak* Walters Holtzman	2(d); 2(e)(2)	Refusal Reversed		"U.S. SPORTS GEAR" [men's, ladies, and children's clothing, namely, underwear, sleepwear, and lingerie]	"US SPORTS" [footwear having an upper portion made of canvas or other man made material, such as sneakers and the like] and "US SPORTS" [footwear and clothing, namely, sweatshirts]	Matthews	No

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