

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
April 3-7, 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 |
|-------------|-----------------|--------------------------|--|---|---|--|--|---|--|--------------------|------------------------------|
| 3-31** | EX | 75/100,922 | Time Warner Entertainment Co., L.P. | Simms (D) Hanak Holtzman* | 2(e)(4) | Refusal Reversed | | "WARNER BROS." [restaurant services] | | Yard | No |
| 3-31** | OPP (SJ) | 104,589 | Bari Foods, Inc. v. Bari Importing Corp. | Hohein Hairston McLeod [Opinion "By the Board"] | 2(d) | Opposition Sustained [opposer's motion for summary judgment granted] | "BARI" [canned vegetable products, namely, tomatoes, tomato paste, tomato puree, peeled tomatoes, and hot vegetable condiments; and grated cheese, capers, wine vinegar and oregano] | "BARI" (and design) [canned tomatoes; cheese; canned and jarred vegetables; vinegar and spices; etc.] | | | No |
| 4-3 | EX | 75/324,259 | Berkeley Electric Cooperative, Inc. | Simms Wendel* McLeod | 2(e)(1) | Refusal Affirmed | | "COOPERATIVE SERVICES" [electric power distribution] | | Sloan | No |
| 4-3 | EX | 75/183,469 | Advance Watch Co., Ltd. | Hanak Chapman* Rogers | 2(d) | Refusal Affirmed | | "JAM TIME" [watches and clocks] | "JAMS" [watches and costume jewelry, namely, brooches] | Fickes | No |
| 4-4 | EX EX | 74/714,642 74/714,643 | Mount Roberts Tramway Limited Partnerships | Simms Hairston Wendel* | whether applicant's specimens show service mark use of its mark in connection with its recited services | Refusal Affirmed (in both cases) | | hand design <i>and</i> eye design [both marks for retail souvenir store services, featuring novelty, gift and souvenir items] | | Brown | No |

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

****Inadvertently omitted from last week's summary of decisions**

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| 4-4 | EX | 75/171,483 | Gianfranco De Paoli Ambrosi | Walters Bucher* Bottorff | 2(d) | Refusal Affirmed | | "SYNCHROLINE" [cosmetic skin creams, body creams, sun creams, facial creams, cosmetic body and skin milks and cosmetic moisturizing facial milks; body emulsions and facial emulsions; facial masks and skin moisturizers; eye gels, styling gels, bath gels and facial moisturizing gels] | "SYNCHRO SERUM" [toiletries, namely, perfumes, essential oils for personal use; cosmetics, namely, facial powder and facial moisturizer] | Grundy | No |
| 4-4 | EX | 74/589,971 | National Society of Chartered Bank Auditors | Cissel* Bucher Rogers | whether applicant's mark is capable of registration on the Supplemental Register [genericness] | Refusal Reversed | | "CERTIFIED FINANCIAL SERVICES AUDITOR" [educational services, namely, providing courses of continuing instruction and educational testing for auditors and distributing course materials in connection therewith] | | J. Dalier | No |
| 4-4 | EX | 75/183,278 | Holmstead, Inc. | Cissel* Walters Bottorff | 2(e)(1) [genericness]; whether applicant's mark is distinctive under Section 2(f) | Refusal Reversed | | "KISSES" [generally solid chocolate candy, with or without ingredients such as nuts] | | T. Lee | No |
| 4-6 | EX | 75/341,967 | National Commercial Corp. | Simms Cissel* Hairston | 2(d) | Refusal Affirmed | | "COUCHWORKS" [upholstered furniture] | "THE SOFA WORKS" (and design) [retail furniture store services; upholstered furniture, dual sleep sofas] | S. Johnson | No |

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| 4-6 | EX | 75/218,564 | June McIntyre | Quinn* Chapman Wendel | whether the matter asserted for registration functions as a trademark for applicant's goods or is, rather, merely the title of a single work | Refusal Affirmed | | "QUIET HEART SPACE" [pre-recorded audio cassettes and compact discs featuring meditations and music] | | Cordova | No |
| 4-6 | EX | 75/218,284 | Elan U.S.A., Inc. | Cissel* Walters Holtzman | 2(d) | Refusal Affirmed | | "ELAN U.S.A." [warm-up suits, jogging suits, casual shirts and pants, running pants and shirts, t-shirts, jackets, beach ensembles comprising shorts, bathing suits and men's jackets, men's and women's bathing suits and leotards] | "ELAN" [fur clothing, namely, coats] | D. Lee | No |
| 4-6 | EX EX EX EX EX EX EX | 74/439,206 74/439,207 74/439,613 74/439,614 74/439,618 74/439,619 74/439,980 74/439,981 | Ennco Display Systems, Inc. | Simms Quinn McLeod* | whether applicant's product configurations are either inherently distinctive or have acquired distinctiveness under Section 2(f) | Refusal Affirmed (in all 8 cases) | | configurations of: eyeglass lens holder, eyeglass/spectacle frame display holders (6 different configurations), and eyeglass/spectacle frame display holder bracket | | Atchison | Yes |

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| 4-6 | EX | 75/357,364 | Sun Mountain Sports, Inc. | Cissel* Hanak Bucher | 2(d) | Refusal Affirmed | | "SIGNIA" [golf bags] | "INSIGNIA" [golf clubs] | Fine | No |
| 4-6 | EX | 75/201,119 | Kimpton Hotel & Restaurant Group, Inc. | Simms* Cissel Rogers | 2(e)(3) | Refusal Affirmed | | "HOTEL MONACO" [hotel services] | | Zak | Yes |
| 4-7 | EX | 75/364,563 | International Lutheran Laymen's League | Quinn* Hohein Hairston | 2(d) | Refusal Reversed | | "THE PUZZLE CLUB" [printed matter, namely, children's books and informational flyers featuring a religious message, bookmarks, folders, stickers, calendars, posters, contribution envelopes, commemorative prints and instruction manuals for use in local ministry programs] | "THE PUZZLE PLACE" (and design) [printed matter, namely, book marks, invitations, thank-you notes, paper napkins, banners, door signs, stickers, puzzle books, trick-or-treat bags, activity pads, note pads, calendars, children's books, flash cards, and children's educational newsletters]; "THE PUZZLE PLACE" [<i>all the above goods, plus: printed matter, namely, phone books, money pads, temporary tattoos, tracing shapes, tracing stencils, writing tablets, drawing tablets, and children's educational pamphlets and magazines</i>] | Kovalsky | No |

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