

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
December 11-15, 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
12-12	OPP (SJ)	113,802	National Hockey League v. Yisreal Jakobovits	Chapman Bucher Bottorff [Opinion "By the Board" (Kuhlke)]	2(d)	Opposition Sustained [Opposer's motion for summary judgment granted]	"NHL" [entertainment services, namely, providing professional hockey games; etc.]	"WNHL" [entertainment services, namely, providing professional female hockey exhibitions]			No
12-12	OPP	103,919	Michelin North America, Inc. v. Max-Trac Tire Co., Inc.	Quinn* Bottorff Rogers	2(d)	Opposition Sustained (as to opposer's marks MXT, MXX, and MXV only)	"X," "LTX," and "MSX4" [all three marks for tires]; "MXV" and "MXT" [both marks for pneumatic tires and tubes for vehicle wheels]; "MX" [pneumatic tires, tubes for vehicle wheels and treads for retreading tires]; "MXX" [tires for vehicle wheels]; whether opposer proved ownership of a "family" of marks, all incorporating the letter "X"	"MTX" [tires]			No
12-12	EX	75/549,508	Silver Creek Bottling Co.	Hanak* Hairston Chapman	2(d); whether applicant's identification of goods is sufficiently definite	Refusal Reversed		"GINSENG LIFT" (in stylized lettering) [bottled non-alcoholic beverage containing ginseng extract and tea extract]	"LEMON LIFT" (in stylized lettering) [tea]	Delaney	No
12-12	EX	75/368,502	Normajejan Fusco	Hanak* Quinn Hohein	2(d)	Refusal Reversed		"MAGNAMUD" [massaging oils, muds and lotions, and non-medicated bath salts]	"MAGNA" [suntan lotions, gels and oils]	Dickinson	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**  
**December 11-15, 2000 (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
12-12	EX	75/367,405	Northwest Airlines, Inc.	Hanak* Hairston Bucher	Disclaimer requirement (of the word WORLD-SERVICES)	Refusal Reversed		"NORTHWEST AIRLINES WORLDSERVICES" [aircraft repair and maintenance services provided for others; airline transportation services provided for others]		Nadelman	No
12-12	EX	75/508,058	Cross Country Paper Products, Inc.	Quinn* Bucher Bottorff	2(d)	Refusal Affirmed (as to both cited registrations)		"EXCEL" [plastic gloves to be used once by and thereafter disposed of by dentists]	"EXCEL" [surgical instruments, namely, forceps, graspers, scissors, dissectors, clamps, needles, needle holders, probes, suction and irrigation instruments, trocars, cannulae, and cutting instruments]; "EXCEL DR" [surgical instruments, namely, needles and needle holders]	T. Hardy	No
12-12	EX	75/510,510	EIS International, Inc.	Hohein Chapman* Rogers	2(e)(1)	Refusal Reversed		"VIRTUAL CENTER FORECASTER" [computer software, namely, software for combining call information from multiple remote sites and call centers in one central site, and database for running global forecasts by using central to remote site queue cross in the field of scheduling, and related documentation and manuals]		Rosaya	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**  
**December 11-15, 2000 (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
12-12	EX	75/348,071	Wiesner Products, Inc.	Cissel Wendel* Holtzman	2(d)	Refusal Affirmed (as to all four cited registrations)		"SPLASH 2000" (and design) [footwear]	"SPLASH" [women's apparel, namely, sweaters, blouses, pants, shirts, warm-up suits, shorts, tops, and jeans]; "SPLASH SUITS" (in stylized lettering) [bathing suits]; "SPLASH U.S.A." (and design) [purses; belts, hats, and visors; earrings of non-precious metal]; "SPLASH SPORT" (in stylized lettering) [t-shirts, shorts, pants, and sweatshirts]; "SPLASH KIDS" (in stylized form) [t-shirts; tank tops; sweatshirts; children's shorts, pants, skirts, and shirts]	Baird	No
12-13	EX (R) EX (R) EX (R) EX (R)	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	Request for Reconsideration Denied [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

(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**  
**December 11-15, 2000 (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
12-13	EX	75/110,696	Tai and Adele Aguirre	Quinn Walters Wendel*	2(d)	Refusal Affirmed		"YOUR PERSONAL SONG" [composing, recording and transcribing songs for others for special occasions]	"YOURSONGS" [music composition for others featuring original songs for special occasions]	First	No
12-13	OPP	101,311	The Regents of the University of California v. Perry L. Henry	Quinn* Hohein Rogers	2(d)	Opposition Sustained	"ORTHOMED," "UCSD ORTHOMED" and "ORTHOMED SPINE & JOINT CONDITIONING CENTER" [all three marks for health care services and health educational services]	"ORTHOMED SPINE & JOINT CONDITIONING CENTERS" [health care services]			No
12-13	CANC (MD)	28,079	Tai and Adele Aguirre v. Pamela A. Moore	Quinn Walters Wendel [Opinion "By the Board" (Lykos)]	motion to dismiss for failure to submit evidence (Trademark Rule 2.132(a)) [whether petitioners showed excusable neglect for failing to submit evidence during their trial period]	Petition to Cancel Dismissed [Respondent's motion to dismiss granted]					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**  
**December 11-15, 2000 (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
12-13	EX (R)	75/214,382	Horizonline, Inc.	Bottorff Holtzman Rogers*	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"GEAR BOX" [land vehicles in the nature of automobiles]		Charlon	No
12-14	EX	75/568,957	IMX Pharmaceuticals, Inc.	Simms* Cissel Hanak	2(d)	Refusal Affirmed (but only on the basis of the cited registration for BODY CARE)		"TOTAL BODY CARE" [hand and body cleansing lotion and cream]	"BODY CARE" [skin lotion] and "TOTAL CARE" [toilet bowl cleaners, general purpose cleaners, and hand soaps]	Mayer-schoff	No
12-14	EX	75/390,255	Ultimate Health, Inc.	Hanak Hairston Wendel*	2(d)	Refusal Affirmed		"NUTRX NATURAL THERAPIES" (and design) [vitamin supplements]	"NUTRX NUTRITION PRESCRIPTION" [nutritional counseling, namely, preventative and therapeutic nutritional medicine including vitamin and mineral prescriptions as related to medical diagnosis, prognosis, laboratory analysis, nutritional assessment and pharmaceutical and nutraceutical interaction]	Michos	No
12-14	EX	75/427,820	Network Engines, Inc.	Quinn Hohein* Chapman	2(e)(1)	Refusal Affirmed		"NETWORK ENGINES" [fault-tolerant clustered servers]		Gilbert	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**  
**December 11-15, 2000 (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
12-14	EX EX EX	75/398,505 75/398,506 74/398,507	Specialty Merchandise Corp.	Hanak Hairston* Walters	2(d)	Refusal Affirmed (as to the two cited "SMC" marks, but not as to the "SMC" cube design mark]		"SMC," "SMC MEMBER," and "SMC MEMBER" (and design) [ <i>all three marks for</i> business planning services tailored to providing marketing advice in the establishment and operation of retail and wholesale distributorships specializing in selling and distributing giftware, novelties, collectibles, etc.]	"SMC" [advice and consultation in management sciences]; "SMC" [management consulting]; cube design incorporating the letters "SMC" in stylized form [management consulting]	Richman	No
12-14	EX	75/445,760	LAC Basketball Club, Inc.	Cissel Quinn Holtzman*	2(d)	Refusal Affirmed		"BUFFALO BRAVES" (and design) [clothing, namely, hosiery, footwear, t-shirts, sweatshirts, sweatpants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, belts, ties, nightshirts, hats, warm-up suits, jackets, parkas, coats, cloth bibs, head bands, wrist bands, aprons, boxer shorts, slacks, caps, ear muffs, and gloves]	"BRAVES" (in stylized form) [jackets]; "BRAVES" (in stylized form) [t-shirts, hats, and shorts]; "BRAVES" (and design) [t-shirts, sweatshirts, jerseys, jackets, youth replica jerseys, sweaters, collar shirts, sweatpants, ¾ sleeve baseball shirts; baseball caps, shorts, toddler suits, muscle shirts, baby bibs, and children's play suits]	Menard	No
12-14	EX	75/404,671	Mason Shoe Mfg. Co.	Cissel Hanak* Hairston	2(e)(1)	Refusal Reversed		"SHOE MALL" [computerized online retail services in the field of footwear and clothing; retail catalog services in the field of footwear and clothing]		Martin	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