

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

August 14-18, 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
8-14	EX	75/324,415	Nomadix, LLC	Hanak Chapman* Rogers	2(d)	Refusal Affirmed		"NOMADIX" (and design) [computer hardware, recording media for computers, namely, partially precordded disks and diskettes for use in transferring data, and software for use in transferring data between computers and computing devices and between computers and recording media]	"NOMADICS" (and design) [PC cards and communication software for use therewith]	Billings	No
8-15	EX	75/399,617	Who? Vision Systems, Inc.	Sams Bottorff* Holtzman	whether applicant may amend the drawing of its mark [material alteration]	Refusal Affirmed		"TACILENSE" [fingerprint imaging systems, namely, fingerprint image generator, image sensor, and image processor] (<i>applicant sought to amend drawing to show mark as "TACTILESENSE"</i>)		Elsner	Yes
8-15	EX	75/237,021	Franklin Resources, Inc.	Hanak Bottorff* Rogers	2(d)	Refusal Reversed (as to all three cited registrations)		"MUTUAL DISCOVERY" [investment management services and mutual fund advisory, distribution and administration services]	"DISCOVERY" [underwriting life insurance and providing and administering annuity plans]; "DISCOVERY PREFERRED" and "DISCOVERY SELECT" [<i>both marks for providing and administering annuities</i>]	Robinson	No

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8-15	EX	75/348,743	Proven Winners	Cissel Chapman Rogers*	2(d)	Refusal Affirmed		"SUMMER MELODY" [living ornamental plants, namely, daisies]	"MELODIE" [growing potted flowering plants]	Bullock	No
8-15	EX	75/400,051	Cranston Print Works Co.	Hairston Rogers* McLeod	2(d)	Refusal Affirmed		"PRIVATE LINES" [textile fabrics in the piece made of natural and/or synthetic fiber and combinations thereof]	"PRIVATE COLLECTION" [textile fabrics in the piece made of natural and/or synthetic fiber and combinations thereof]	Alt	No
8-15	EX	75/262,988	Rugg Mfg. Co.	Seeherman* Holtzman Rogers	2(d)	Refusal Affirmed		"LITENING" [shovels, snow scoops, and rakes with aluminum tubular handles]	"LIGHTNING" [hand tools, namely, manual log splitters]	C. Smith	No
8-17	EX	75/174,612	Susan Hebert	Seeherman Hohein* Wendel	2(e)(1) [genericness]; whether applicant's mark, if not generic, is registrable under Section 2(f)	Refusal Affirmed		"COBRE" [ornamental items, namely, copper vases, plates, and bowls]		Cordova	No
8-17	OPP	106,983	Oakley, Inc. v. Killer Loop Eyeware S.P.A.	Hairston Wendel Bucher*	2(d)	Opposition Sustained	"OAKLEY" (and design incorporating an ellipse) and a design mark consisting of an ellipse [both marks for sunglasses, spectacles and their parts, etc.]; plus several other pleaded marks	"K" (and design incorporating an ellipse) [eyeglasses, sunglasses, glass lenses, glass frames, glass cases, glass chains, pince-nez, crash helmets]			No

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8-17	EX	75/310,027	FORMTEK, Inc.	Hohein Wendel* Bottorff	2(d)	Refusal Affirmed		"FORMTEK ORION" [computer software for enterprise information management enabling users across an entire enterprise to store, access, distribute, and manage all types of information]	"ORION" (and design) [computer software in the field of database management]	Altree	No
8-17	EX	74/706,632	Dial A Mattress Operating Corp.	Seeherman Hohein Wendel*	genericness [whether applicant's mark is registrable on the Supp. Reg.]	Refusal Affirmed		"1-800-THE-SOFA" [providing same day or within two hour delivery for telephone shop-at-home services via a toll-free telephone number, in the field of convertible bedding (including convertible sofas, couches, divans, sofa-beds and other convertible seating)]		C. Smith	No
8-17	OPP	101,304	Hard Rock Cafe International (USA), Inc. v. Thomas D. Elsea	Cissel Seeherman* Bottorff	2(d)	Opposition Sustained	"HARD ROCK CAFE" (and other marks incorporating the words "HARD ROCK") [t-shirts, sweatshirts, polo shirts, sport shirts, jackets, hats, restaurant services, etc.]	"COUNTRY ROCK CAFE" [clothing, namely, t-shirts, jackets, sweatshirts, caps, hats, vests, bandannas, pants, and undergarments]			Yes
8-17	EX	74/686,509	Busch Entertainment Corp.	Simms* Hanak Hohein	2(e)(1)	Refusal Affirmed		"EGYPT" [amusement park services, namely, an area within an amusement park]		Loughran	Yes
8-17	EX	75/302,487	American Sporting Goods Corp.	Chapman Wendel Bottorff*	2(e)(2)	Refusal Affirmed		"AMERICAN SPORT" [athletic shoes]		Carruthers	No

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8-17	EX	74/541,544	Dick's Clothing and Sporting Goods, Inc.	Cissel* Hanak Hairston	2(d)	Refusal Affirmed		"N.E.O." (and design) [running gear, namely, footwear, shorts, pants, sweatshirts; and outdoor clothing, namely, jackets, scarves, insulated vests, and hats]	"NEO-SPORT" [flight suits, jump suits, snowmobile suits, wetsuits, shirts, vests, sports shirts, boots, socks, shorts, fleece jackets, pullovers, drawstring pants, and water clothing, namely, hoods, socks, gloves, mittens, visors, fishing waders, and surf fishing jackets]	A. Lawrence	No
8-17	EX	74/719,689	Tutt & Associates, Inc.	Hohein* Bottorff Holtzman	2(d)	Refusal Affirmed		"DIGITAL X-PRESS" [duplicating services, namely, media duplication of data and digital information; printing services]	"DIGITAL EXPRESS" [document printing services]	Benmaman	No
8-17	EX EX	75/011,915 75/011,916	Richard H. Wynn	Cissel Hairston* Bottorff	2(d)	Refusal Affirmed (in both cases)		"21ST CENTURY FOX" and "TWENTY-FIRST CENTURY FOX" [both marks for pre-recorded video discs, video tapes and cassettes and video-magnetic tapes, all featuring adult live-action entertainment, etc; production and distribution of adult motion picture films, etc.]	"TWENTIETH CENTURY FOX," "20 th CENTURY FOX" (and design) and several other marks incorporating the words "TWENTIETH CENTURY FOX" or "20 TH CENTURY FOX" [all marks for motion picture films and/or video tapes and/or production and distribution of motion picture films, etc.]	Alt	No

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8-17	EX	75/202,743	The Wealden Co.	Hairston Holtzman Rogers*	2(d)	Refusal Affirmed		"VERO-BEST ORGANIC FAMRS" [fresh fruits and citrus products, namely, orange, tangerine, and grapefruit marmalades; orange and grapefruit juice]	"VERO" [fresh grapefruit]	Otte	No

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