

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 21-23, 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
6-21	EX	75/313,058	Medinol Ltd.	Cissel Bottorff Rogers*	2(e)(1)	Refusal Affirmed		"TRANSFORMABLE GEOMETRY" [medical devices, namely, stents]		Levine	No
6-21	OPP	107,647	South-western Bell Telecommunications, Inc. v. Patrick Vernon Palmer	Simms Quinn Bucher*	2(d) [opposer asserting a "family" of marks incorporating the word FREEDOM]	Opposition Dismissed	<i>the following marks, asserted individually and as a "family" of "FREEDOM" marks:</i> "FREEDOM PHONE" [wireless telephones, wireless telephone receiving stations, and wireless telephone base stations; telephones, answering machines, telephone accessories, etc.]; "FREEDOMLINK" and "FREEDOM LINK" (and design) [both marks for wireless communication equipment, comprising a control unit and hand sets that will allow the use of cellular frequencies]; "TOLL-FREEDOM" [cellular telephone services]	"FREEFONE" (in stylized lettering) [advertising services, namely, providing advertising space on public telephones and telephone booths, and rental of advertising space on public telephones and telephone booths]			No
6-21	EX	74/461,397	Precise Imports Corp.	Hohein* Chapman Rogers	2(a) [false suggestion of a connection]; 2(d)	Refusal Affirmed (on both grounds)		"SWISS MILITARY" [watches]	"SWISS ARMY" [watches]	Matthews	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
June 19-23, 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
6-21	EX	75/161,148	24 Hour Fitness, Inc.	Hairston Wendel* Holtzman	2(e)(1); whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed		"24 HOUR" (and background design) [health club services]		Fine	No
6-21	EX	75/355,914	Chef America, Inc.	Simms Wendel* Bucher	2(e)(1)	Refusal Affirmed		"TOASTER CROISSANTS" [filled pastries]		King	No
6-23	EX	75/111,251	International Data Group, Inc.	Quinn* Wendel Rogers	2(e)(1)	Refusal Affirmed		"WEB AUDIO" [magazines, catalogues, manuals, brochures, newsletters, journals, books, etc. in the fields of computers, computer software, on-line services, communications, etc.; providing on-line magazines, catalogues, manuals, etc. in those fields; providing a Web site in those fields]		Rupp	No
6-23	EX (Amendment)	75/264,987	Animation Science Corporation	Hairston Chapman* Bottorff	Requirement for a more definite statement of services	Board Refusal of 3-23-00 Set aside		"ANIMATION SCIENCE" [computer software development and project management; training and software support and other consultation services in connection with computer software]		Vanston	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
June 19-23, 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
6-23	EX	75/307,417	Creative Beauty Innovations, Inc.	Seeherman Rogers* McLeod	Sections 1, 2, and 45 (not function as a mark)	Refusal Reversed		"mark [consisting] of the configuration of the container for the goods, which is concave on one side and convex on the other" [bath salts, bath powders, shower gels, body oils, bath oils, body lotions and creams]		Rupp and Mercaldi	Yes
6-23	OPP (Motion for sanctions in the nature of judgment)	95,170	Baron Philippe de Rothschild, S.A. and Societe Civile de Chateau Lafite-Rothschild v. Styl-Rite Optical Mfg. Co.	Cissel Rogers McLeod (By the Board)	The proper sanction for failure to comply with a Board order	Opposition Sustained	"BARON PHILIPPE DE ROTHSCHILD" [wines]	"CHRISTIAN ROTHSCHILD OPTIKS" [eyeglass cleaning fluid, towels, and wipes; contact lens cleaning solution; eyewear]			Yes
6-23	OPP	108,085	Wallac, Inc. v. Roche Diagnostic Corporation	Seeherman Hanak* Rogers	2(d)	Opposition Sustained	"HYPURE" [agricultural testing kits for testing plant seeds and plant tissues, and electrophoretic gels, reagents and control reagents therefor; varietal identification and genetic purity assay services]	"HIGH PURE" [chemical reagents to purify nucleic acid for scientific or research use]			No

6-23	OPP	109,057	Psychological Consultants to Management v. Krout & Schneider, Inc.	Simms* Hairston Walters	Priority and 2(d)	Opposition Sustained	"SMARTHIRE" [computer software in the field of employment]	"SMARTHIRE" [pre-employment background screening services]			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