

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

May 22-26, 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
5-22	OPP (R)	88,475	Joseph Davis Suthern v. Federal Ideas, Inc.	Seeherman Wendel Bottorff*	2(d)	Request for Reconsideration Denied [Opposition Sustained]	"DRUGBUSTERS" [posters; association services, namely, promoting drug awareness and opposition to drug abuse via educational and entertainment programs featuring instruction, speeches, music, distribution of literature and recordings, and the like]	"DRUGBUSTERS" [toy playsets for use with action figures and containing action figures, toy miniature barn, toy vehicles, toy guns and toy police badge]			No
5-23	EX	75/312,367	Brass-Craft Mfg. Co.	Cissel* Rogers McLeod	2(d)	Refusal Affirmed		"SPEEDI PLUMB PLUS" [connector hose for plumbing products primarily of non-metal material]	"PLUMB PLUS" [valves for use in conjunction with plumbing tubing and supply tubes for plumbing]	Odonovich	No
5-23	EX	75/308,771	Empire Funding Corp.	Hanak Bottorff* Rogers	2(d)	Refusal Affirmed		"EMPIRE FUNDING" [financial services, namely, providing secured and unsecured consumer and home improvement loans]	"THE EMPIRE NATIONAL BANK" [banking services]	Nelson	No
5-23	EX	75/268,823	Advance Paradigm, Inc.	Hanak* Chapman McLeod	2(d)	Refusal Reversed		"ADVANCE PARADIGM" (and design) [providing cost management programs and services for health benefit plans for others]	"PARADIGM" [computer software in the fields of employee benefit consulting and health insurance services]	Fisher	No

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

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5-23	EX	75/214,217	Inter Valley Health Plan	Simms* Hanak Bucher	whether the specimens of record show service mark use of applicant's mark in connection with its recited services	Refusal Reversed		"SILVER SCREENINGS" [educational and entertainment services, namely, conducting seminars in the field of health care insurance]		Matthews	No
5-23	OPP	99,231	Pizzeria Uno Corp. v. Benziger Family Ranch	Hanak Walters* Bucher	2(d)	Opposition Dismissed	"PIZZERIA UNO," "UNO," and "BRUNO" (and design incorporating a cartoon image of a boy on a skateboard) [all three marks for restaurant services] et al.	"BRUNO" [beer]			No
5-25	OPP	100,656	Mac Equipment, Inc. v. Michael F. Crawley	Cissel Quinn* Holtzman	2(d)	Opposition Dismissed	"MAC" [air classifiers in the nature of downdraft separators and cyclones, rotary airlocks, centrifugal fans, and dust collectors; dust filtering units and fluidizer beds for use in grain storage bins; pneumatic conveying equipment]; "MAC" (and horse silhouette design) [air pollution control equipment]	"MACPUMP" [material transfer systems comprising inter-connected vessels and valves for pneumatically transferring particulate solids from hopper storage into a material feed line]			No

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5-25	CANC	26,297	Merrick's Inc. v. Hereford Bi-Products, Inc.	Simms Cissel* Chapman	2(d)	Petition to Cancel Denied	"MERRICK'S" [animal feed products]	"MERRICK" [pet foods and treats]			No
5-25	EX	75/164,499	O'Briens Irish Sandwich Bars Ltd.	Cissel Quinn Wendel*	2(d); Section 6 disclaimer requirement (of the words IRISH SANDWICH BARS)	Refusal Affirmed (on both grounds)		"O'BRIENS IRISH SANDWICH BARS" [restaurant services featuring sandwiches]	"O'BRIEN'S" and "O'BRIEN'S PIT BARBECUE" [restaurant and catering services]	T. Lee	No
5-25	EX	75/141,061	Manufactura de Tabacos (MATASA) S.A.	Cissel* Walters Bottorff	2(e)(1)	Refusal Affirmed		"DOMINICANOS RICOS" [cigars]		Berman	No
5-25	CANC (R)	20,485	Zelco Industries, Inc. v. Diamond Brands Inc.	Quinn* Hohein Bottorff	2(d)	Request for Reconsideration Denied [Petition to Cancel Granted]	"SUPERMATCH FXL" [lighters for barbecues, fireplaces, gas ovens, wood stoves and other products which require a long-reaching flame source]	"SUPERMATCH" [firestarting briquettes for use with barbecue grills, wood stoves or fireplaces]			No
5-25	EX EX	75/324,370 75/324,371	Automotive Rentals, Inc.	Hairston Chapman Bottorff*	2(d)	Refusal Affirmed (in both cases)		"FLEETNET" [computer software to be used in creating specifications for fleets of vehicles, not including public transportation systems and computer manuals for software to be used in creating specifications for fleets of vehicles]	"FLEET NET COMPUTER SYSTEMS (and design) [computer programs, and instruction sheets and manual accompanying the programs, for public transportation systems]	K. Bush	No

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5-25	CANC	26,334	Sportacular, Inc. v. Kukje Corp.	Simms Rogers McLeod*	abandonment	Petition to Cancel Denied		"PRO-SPECS" [athletic shoes]			No

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