

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
January 24-28, 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 |
|-------------|-----------------|-------------------------|---|-------------------------------|---------|----------------------|--|--|--|--------------------|------------------------------|
| 1-28        | EX              | 75/201,215              | eFusion, Inc.   | Cissel Hanak*<br>Chapman      | 2(e)(1) | Refusal Reversed     |  | "PUSH TO TALK PTT" [computer hardware, namely, global computer network communication servers that allow users various telecommunication connection and routing options; computer peripherals and computer software for facilitating connection to a global computer network]                 |  | Vanston            | No                           |
| 1-28        | EX              | 75/197,155              | Hanta Yo Co., Inc.  | Quinn Wendel McLeod*          | 2(d)    | Refusal Affirmed     |  | "TOPOGUIDE" [computer software for the creation, storage, retrieval and manipulation of geographic databases and related demographic, commercial, topographical, geologic, natural resource, recreational, educational, travel, and navigational data, and accompanying instruction manuals] | "TOPO!" (in stylized lettering) [computer mapping software for editing, printing, and annotating topographical maps of various regions of the world] | Tingley            | No                           |
| 1-28        | OPP             | 105,415                 | Interstate Brands Corp. and Interstate Brands West Corp. v. McKee Foods Corp. | Cissel Seeherman*<br>Hairston | 2(d)    | Opposition Sustained |  | "YO-YO'S" [snack cakes]  | "HOHOS" [cakes]  |                    | Yes                          |

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

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| 1-28        | EX              | 75/206,728              | Homedics, Inc.     | Walters Wendel*<br>Bottorff | 2(d)                | Refusal Affirmed                   |  | "FOOT PLEASER"<br>[electric massaging foot pad]  | "BODY PLEASER"<br>[massager]               | Leipzig            | No                           |
| 1-28        | EX              | 75/216,946              | Eurovirtuel, S. A. | Hanak*<br>Wendel<br>Rogers  | 2(e)(2);<br>2(e)(1) | Refusal Affirmed (on both grounds) |  | "SAINT-TROPEZ"<br>[computer services, namely, providing access time to an online data base in the field of geographic-specific location and destination information concerning attractions, businesses and events for tourists, travelers, and residents]  |  | Salemi             | No                           |
| 1-28        | EX              | 75/178,551              | Ziff-Davis Inc.    | Simms Wendel*<br>Rogers     | 2(e)(1)             | Refusal Affirmed                   |  | "SOFTWARE BUYER"<br>[promoting the goods and services of others by preparing and placing advertisements and product information in an electronic publication distributed via a computer information network; providing multiple-user access to a global computer information network for the transfer and dissemination of information in the field of computer related products and technology; providing information in the field of computer related products and technology via computer information networks] |  | Thayer             | No                           |

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| 1-28        | EX              | 75/166,816              | Showmax, Inc.                                | Cissel Bucher* Holtzman   | whether applicant's specimens show use of its mark in connection with the services recited in the application   | Refusal Affirmed     |  | "SHOWMAX" [large format movie theaters]  |  | Stine              | No                           |
| 1-28        | EX              | 75/302,426              | Performance Labs, Inc.                       | Hohein Hairston* McLeod   | 2(d)  | Refusal Affirmed     |  | "CARDIOMAX" (in stylized lettering) [nutritional supplements]  | "CARDIO-MAXIM" [dietary supplements]       | Schiffirin         | No                           |
| 1-28        | OPP             | 109,261                 | Tractech, Inc. v. American Axle & Mfg., Inc. | Seeherman Chapman* Bucher | 2(d)  | Opposition Dismissed | "TRACTECH" [differentials for land vehicles and related goods] | "TRAC RITE" (in stylized lettering) [automobile parts for land vehicles, namely, differentials and lightweight propeller shafts]   |  |                    | No                           |
| 1-28        | EX              | 74/622,815              | Kelly's Cajun Grill Franchise Corp.          | Simms* Hanak Hairston     | 2(e)(1)   | Refusal Affirmed     |  | "BOURBON CHICKEN" [a poultry dish for consumption on or off the premises]  |  | A. Wilson          | No                           |
| 1-28        | EX              | 74/624,747              | Undeas, Inc.                                 | Simms Walters* McLeod     | 2(a) [scandalous matter; matter which may disparage; matter which may bring persons into contempt or disrepute] | Refusal Reversed     |  | "JUNIOR M.A.F.I.A." [prerecorded video cassette tapes and discs and prerecorded audio cassettes and tapes, discs and phonograph records featuring musical performances; entertainment services, namely, live musical concerts and performances by a musical group] |  | Cataldo            | No                           |

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