

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 25-29, 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
9-25	CANC	22,218	Mankind Research Foundation, Inc. et al. v. Essiac Products Services, Inc.	Hohein Hairston Bottorff*	2(d); fraud; misrepresentation of source under Sec. 14(3); 2(a) [false suggestion of a connection <i>and</i> deceptive-ness]	Petition to Cancel Denied	"ESSIAC" [food supplements]	"ESSIAC" [food supplements]			No
9-26	EX	75/410,355	Rubie's Costume Co., Inc.	Simms* Cissel Rogers	2(a) [deceptive-ness]	Refusal Affirmed		"RUBIESILK" [fabric used in the manufacture of masquerade costumes]		Krehely	No
9-26	EX	75/243,677	Trident Energy Corp.	Walters* Rogers McLeod	2(d)	Refusal Reversed		design mark incorporating a triangle and stylized representation of a flame [business management services in the field of oil and gas exploration]	"CASCADE NATURAL GAS CORPORATION" (and design incorporating a triangle and stylized representation of a flame) [storage of natural gas, and transportation of natural gas by pipeline; retail and/or wholesale distribution services in the field of natural gas]	Baxley	No
9-26	EX	75/410,279	A. Croteau Lte'e	Simms Cissel* Quinn	2(e)(3)	Refusal Affirmed		"AUSTRALIAN KINGDOM" [clothing, namely, hats, shirts, blouses, dresses, etc.]		Carruthers	No

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9-26	EX	75/425,118	DiLegge	Simms Quinn Hohein*	2(d)	Refusal Affirmed		"PASTA COSI" [pasta sauces, namely, tomato-based sauces]	"COSI" [restaurant services]	Richard	No
9-26	EX	75/445,927	Wings and Rings Inc.	Simms Bucher McLeod*	2(d)	Refusal Affirmed		"BEST WINGS USA" [restaurant services]	"BEST WINGS IN THE WORLD" (in stylized lettering) [restaurant services]	R. Lorenzo	No
9-26	EX	75/445,612	Wings and Rings, Inc.	Simms Bucher McLeod*	2(e)(2)	Refusal Affirmed (on both grounds)		"BEST WINGS USA" [cooked poultry]	"BEST WINGS IN THE WORLD" (in stylized lettering) [restaurant services]	R. Lorenzo	No
9-26	EX	75/253,228	Optibase, Inc.	Seeherman Hanak Rogers*	2(d)	Refusal Affirmed		"MPEG MOVIEMAKER" [computer hardware and software for MPEG encoding of video and audio]	"MOVIE MAKER" [computer programs]	Stine	No
9-26	EX	75/321,951	Temps &Co., Inc.	Seeherman Hohein* Hairston	2(d)	Refusal Affirmed		"THE CAREER SHOP" [personnel placement services]	"CAREER SHOP" (in stylized lettering) [providing placement and recruitment information via a computer database, and consulting services therewith]	Pappas	No
9-26	EX	75/457,263	Arden Cravats, Inc.	Seeherman Quinn* Hohein	2(d); 2(e)(4)	Refusal Affirmed (on both grounds)		"ARDEN CRAVATS" [ties]	"ARDEN" [outer shirts]	D. Lee	No
9-27	EX	75/344,519	Kendall	Hanak Hohein* Chapman	2(d)	Refusal Affirmed		"WRISTGLIDERS" [wrist support for a computer operator]	"HANDGLIDER" [wrist support pads for use with computer keyboards]	Berk	No

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9-27	OPP	106,669	Autozone, Inc. v. Int'l. Web Broadcasting Corp.	Simms Hanak Rogers*	2(d)	Opposition Sustained	"AUTOZONE" [retail automotive products and retail auto parts store services]; "AUTOZONE.COM" [on-line electronic services, namely, on-line ordering services in the field of automotive parts and accessories, and providing information regarding automotive repair and maintenance via a global computer network]	"CAR ZONE" [providing an on-line computer database via global computer information network and electronic bulletin board featuring advertisement and marketing information for others about automobile and motorcycle-related goods and services; and on-line ordering services featuring automobile and motorcycle-related goods and services]			No
9-27	EX	75/380,120	Petcraft, Inc.	Simms* Cissel Bottorff	2(d); requirement for a more definite identification of goods— but within the scope of the original identification of goods; Sec. 6 disclaimer requirement (of the word DOG)	Refusal Affirmed (on all grounds)		"DOG BAGGIES" [disposable bags specifically adapted to enable pick up and ready disposal of animal feces]	"BAGGIES" [bags made of flexible transparent sheeting, for general utility wrapping and storing purposes]	Saito	No

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9-27	CANC	25,091	Murphy's Ltd. v. Murphy's Brewery Ireland Ltd.	Quinn Bucher Holtzman*	2(d); affirmative defense of laches, acquiescence and estoppel	Petition to Cancel Denied	"MURPHY'S" [restaurant and bar services; pilsner, light beer, etc.]	"MURPHY'S IRISH STOUT" (and design) and "MURPHY'S IRISH STOUT DRAUGHT" (and design) [both marks for beer, ale, porter and stout]			No
9-28	EX	75/350,146	Int'l. Cosmetics Manufacturer, Inc.	Seeherman Hanak Holtzman*	2(d)	Refusal Affirmed		"TÉA" (in stylized form) [cosmetics, namely, nail polish, nail polish remover, eye liner, mascara, eye shadow, lip pencil, lip liner, lipstick, face powder, face makeup and blush]	"TÉ" (in stylized lettering) [cologne, body lotion, shower gel]	Gowdy	No
9-28	EX	75/448,727	Champagne Chanoine Freres, Depuis 1730	Seeherman Quinn Walters*	2(d)	Refusal Affirmed		"TSARINE" [champagne]	"CZARINA" [vodka]	Spils	No
9-28	EX	75/323,590	Oldenstadt Enterprises, Inc.	Cissel Walters Wendel*	2(d)	Refusal Affirmed		"MOTION MARINE" [custom boats constructed of welded aluminum]	"MARINE MOTIONS, INC." (and design) [electromechanical controls for use in lowering and raising antennas on boats]	First	No
9-28	EX	75/338,025	Apollo Oil & Warehouse Distributors, Inc.	Simms Walters* Holtzman	2(d)	Refusal Affirmed		"APOLLO OIL" [automotive oils, greases, lubricants; motor fuels, namely, gasoline and diesel fuel]	"APOLLO" [industrial lubricants]	Michos	No
9-28	EX	75/250,499	Libby Glass, Inc.	Walters* Bottorff McLeod	whether applicant's asserted mark has acquired distinctiveness, under Section 2(f)	Refusal Affirmed		configuration of a beverage container with side panels extending from a pentagon-shaped base to a circular rim or tip [beverage glassware]		Micheli	No

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9-28	EX	75/215,856	Unitek Miyachi Corp.	Hairston* Chapman Bottorff	2(d)	Refusal Affirmed		"PHASEMASTER" [welding control equipment, namely, programmable AC resistance welding controllers]	"PHASEMASTER" [rotating transformers]	Micheli	No
9-28	EX	75/094,841	AFBA Financial Services Co.	Cissel Hairston* Wendel	2(d)	Refusal Affirmed		"FIVE STAR WHOLE LIFE" (and design) [insurance services, namely, marketing, underwriting and administration of life insurance]	"FIVE STAR" [insurance underwriting services in the field of property and casualty]	Khan	No
9-28	CANC (SJ)	27,719	Fishing Unlimited Production, Inc. v. Richard Johnson	Quinn Wendel Bottorff [Opinion "By the Board"]	2(d)	Petition to Cancel Denied [re-spondent's motion for summary judgment granted]	"THE FISHING LINE" and "THE FISHING LINE WITH KEVIN MINEO" [both marks for a weekly talk radio program directed to fishing and related topics]	"THE FISHING LINE" [educational radio programs on the subject of fishing]			No
9-29	OPP	103,356	Atmel Corp. v. Bedini Electronics	Simms* Walters McLeod	2(d)	Opposition Sustained	"DREAM" [digital signal processors for audio applications]	"D.R.E.A.M. DYNAMIC REALISTIC & ENHANCED AUDIO FOR MULTIMEDIA" (and design) [electronic stereo amplifiers, pre-amplifiers, audio speakers, processors, audio enhancement devices and systems, namely, a binaural spacial electronic processor]			No

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9-29	EX	75/349,539	Altera Corp.	Seeherman Walters* Bucher	whether applicant's specimens show trademark use of its mark; whether applicant's identification of goods is acceptable	Refusal Reversed		"CLOCKLOCK" [a feature of configurable logic integrated circuits and programmable logic integrated circuits, namely, timing circuitry]		Moorhead	No
9-29	EX	75/501,025	Toy Concepts	Seeherman Holtzman McLeod*	2(d)	Refusal Affirmed		"BEND & POSE PETS" (and design) [stuffed toys, namely, a pony, a monkey, a frog, and a zebra]	"BEND 'N POSE" [dolls]	Dixon	No
9-29	CANC CANC	27,390 27,548	Pleasant Co. v. Barry Epstein	Simms Hairston Holtzman*	abandonment	Petition to Cancel Reg. No. 387,494 granted; Petition to Cancel Reg. No. 1,734,910 Denied		Reg. No. 387,494: "AMERICAN BOY" [boys' shoes]; Reg. No. 1,734,910: "AMERICAN BOY" [clothing, namely, shirts, pants, tops, sweatshirts, and suits]			No

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