

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**August 28 – September 1, 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
6-13**	EX	74/697,985	Symbol Technologies, Inc.	Simms Holtzman* McLeod	2(d)	Refusal Affirmed		"SYMBOL" (and design) [pens]	"SYMBOL" [paper, cardboard, and paper and cardboard articles, namely, bond paper, printing paper, greeting cards, envelopes, file folders, etc.]	Isaacson	No
7-21**	EX	75/367,800	Henry Clay Pottery, Inc.	Simms* Cissel Hairston	2(d)	Refusal Reversed		"HENRY CLAY" (and design) [decorative vases and pots all made in whole or significant part of clay]	"HENRI STUDIO" [lawn statues of cement, concrete birdbaths, concrete figurines, plastic liners for ponds and fountains, water fountains and planters for the home]; "HENRI WATER GARDENING" [plant baskets, plastic liners for pools, cast stone figures and pedestals for figures, etc.]; "HENRI STUDIO" (and design) [planters for the home, water fountains, etc.]	Turner	No
8-29	EX	75/333,145	William R. Vestal	Seeherman Walters* Rogers	2(e)(1)	Refusal Affirmed		"AMERICAN CIVIL WAR CHANNEL" [television broadcast services]		Bullock	No

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\*\*Inadvertently omitted from a prior report

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8-30	OPP (SJ)	105,324	Microsoft Corp. v. Cetus Software, Inc.	Cissel Hanak McLeod [Opinion "By the Board"]	2(d)	Opposition Sustained [opposer's motion for summary judgment granted]	"WINDOWS" [computer programs and related goods]	"STORMWINDOWS" [computer security software, namely, software for hiding and protecting a desktop configuration from unauthorized alterations, including hiding desktop icons, preventing the saving of desktop changes, hiding menu subfolders, settings and control panel pages, disabling the running of various applications, preventing the merging of files, and preventing the addition or deletion of printers]			No
8-30	EX	75/418,428	Atico Int'l. USA, Inc.	Cissel Wendel* Rogers	2(d)	Refusal Affirmed		"EASY DECOR" [electrical decorative lights sold in retail outlets]	"E-Z DECOR OUTLET" (and design) [electrical receptacle for multiple inputs]	Gaynor	No
8-30	EX	75/193,074	Thrifty, Inc.	Seeherman* Hohein Holtzman	whether applicant must submit a new description of its mark that comports with the mark shown on its drawing	Refusal Affirmed			the color blue used, in connection with applicant's services, on vehicle rental centers, signs, vehicles, uniforms, and in other advertising and promotional materials [automobile, truck and recreational vehicle renting and leasing]	Rupp	No

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8-30	EX EX EX	75/354,282 75/431,988 75/431,990	Ricoh Co., Ltd.	Simms Chapman Wendel*	2(d)	Refusal Affirmed (in all three cases)		"WAVE PAK," "WAVE PAK" (and wave design), and "WAVE PAK" (and wave design—a <i>slightly different design from the preceding wave design</i> ) [all three marks for image compression software for use in copier and fax machines]	"WAVEPAK" [computer hardware, namely, circuit boards, power supplies, and connector cables, and computer programs and user manuals supplied therewith]	S. J. Johnson	No
8-30	EX	75/362,650	Research and Education Association	Simms Hanak* Wendel	2(d)	Refusal Affirmed		"THE BEST PREPARATION FOR THE AP ADVANCE PLACEMENT EXAMINATION" [a series of educational books featuring college entrance test preparation materials]	"AP" [educational testing services, namely, preparing and providing curricular materials and course descriptions, and conducting related examinations for secondary schools]	Gilbert	No
8-30	EX	75/457,661	PGH Partnership	Hanak Bucher* Holtzman	2(d)	Refusal Affirmed		"PLAYERS CHOICE BLACKJACK" [casino game tables for card games of chance used exclusively in commercial gaming establishments]	"PLAYERS CHOICE POKER" [poker-style card games]	Gardner	No
8-30	EX	75/210,356	Jugos Del Valle, S.A. de C.V.	Cissel Walters* Bucher	whether the matter applicant seeks to register functions as a mark	Refusal Affirmed		red design applied to the cans in which applicant's goods are sold [beers, mineral waters, non-alcoholic beer, soft drinks, etc.]		Garcia	No

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8-30	EX	75/470,006	T & S Foods, Inc.	Simms Bucher* Holtzman	2(d)	Refusal Affirmed		"TOUCHDOWN PIZZA" [pizza; restaurant services, carry-out restaurants, and restaurants featuring home delivery]	"TOUCHDOWN CAFE" (and design) [restaurant services]	Sharper	No
8-30	EX	75/202,389	Profiles Corp.	Simms Hohein* Bottorff	2(d)	Refusal Affirmed		"INSIDE THE SAT" [videotapes, video discs, computer programs and CD-ROMS in the field of educational test preparation, namely, in the field of preparation for taking scholastic aptitude tests and scholastic assessment tests]	"SAT" [printed tests and test booklets]	I. Williams	No
8-30	EX	75/338,335	Auto Value Associates, Inc.	Cissel Bucher Bottorff*	whether the specimen of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered	Refusal Affirmed		"PARTS MASTER ULTRA" [automobile brake parts, namely, disc brake pads]		Gaynor	No
8-31	EX	75/358,638	McDermott	Walters Wendel* Bucher	2(e)(1)	Refusal Affirmed		"LEFTY" [card games]		Taylor	No

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8-31	EX	75/230,840	Affinity Media, Inc.	Cissel Hohein Walters*	2(d)	Refusal Affirmed		"AFFINITY MEDIA INCORPORATED" (and design) [computer services, namely, designing multimedia software and providing information regarding the development and integration of software tools and services for companies in data-intensive industries, such as engineering, architecture, government, healthcare, manufacturing and distribution, for use with the global computer network]	"AFFINITY" [engineering design and analysis services, namely, computer design and analysis services and computer software design and analysis services; electronic transmission of data and documents via computer terminals]	Rauen	No
8-31	EX	75/215,991	Black & Decker Corp.	Seeherman Hohein* Rogers	2(d)	Refusal Reversed		"VERSAPAK" [flashlights and a combination flashlight with recharger for consumer use]	"VERSA-LITE" [portable electric high-intensity spotlights, searchlights, and flashlights for use by electric utility, gas, and telephone personnel and by policemen and firemen]	R. Clark	No
8-31	EX	75/320,218	AICAD S.n.C. of Luca PEDROTTI & C.	Hanak Walters Rogers*	2(e)(1) [deceptively mis-descriptive]; 2(a) [deceptive]	Refusal Reversed		"LIZARD AICAD" [footwear, namely, sandals and moccasins, not made of reptile skin and not simulating reptile skin; t-shirts]		Hicks	No

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8-31	EX	75/169,949	The Junior Golf Company	Walters* Chapman Bottorff	2(a) [false suggestion of a connection]; 2(c)	Refusal Affirmed (on both grounds)		"LITTLE TIGER" [golf equipment for children, namely, golf bags and golf clubs, but excluding golf balls]		Melnick	No
8-31	CANC	24,354	Seagate Technology, Inc. v. SeaGate Office Products, Inc.	Simms* Cissel Rogers	2(d)	Petition to Cancel Granted	"SEAGATE," "SEAGATE TECHNOLOGY," and "S" design [ <i>all three marks</i> for magnetic disc drive apparatus for use in data storage] (and other marks)	"SEAGATE OFFICE PRODUCTS" (and design) [retail store services and distributorship services in the field of office supplies, equipment and furniture; interior design services emphasizing office layout and custom furniture design]			No
8-31	CANC (SJ)	27,897	Tri-Star Apparel, Inc. v. Dan Dunn Associates, Inc.	Cissel Bucher Holtzman [Opinion "By the Board"]	abandonment	Petition to Cancel Denied [respondent's motion for summary judgment granted]	"ON BOARD" [men's and boys' clothing]	"ON BOARD" [retail clothing store services]			No
8-31	EX	75/364,562	International Lutheran Laymen's League	Quinn Hohein Rogers*	2(d)	Refusal Reversed		"THE PUZZLE CLUB" [educational and entertainment services, namely, production of animated television films, videos and CD-ROMS featuring a religious message for families]	"THE PUZZLE PLACE" and "THE PUZZLE PLACE" (and design) [ <i>both marks for</i> entertainment services, namely, producing a children's television series]	Kovalsky	No

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8-31	EX	75/376,066	The Dial Corporation	Cissel Wendel Rogers*	whether the matter asserted for registration functions as a trademark or is merely product ornamentation	Refusal Reversed		stylized "nested droplets" design [instant hand sanitizing preparation with antibacterial properties]		Ayala	No

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