

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

October 30 – November 3, 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
10-30	EX	75/350,932	Player's Design	Hanak Wendel* Rogers	2(d)	Refusal Reversed		"PLAYER'S DESIGN" [children's and infants' golf shirts, overshirts, shorts, sweaters, sweatshirts, and hats; infants' one-piece suits and cloth bibs; and golf shirts and overshirts sold only in golf shops or directly to corporations]	"PLAYERS" [men's and boys' apparel, namely, dress shirts, sport shirts, and knit shirts]; "PLAYERS SPORT" [ladies' sportswear, namely, tops, jogging suits, and sweaters]	Stoides	No
10-30	EX	75/216,572	Global Trading Network, Ltd.	Seeherman* Walters Holtzman	2(e)(1)	Refusal Affirmed		"GLOBAL TRADING NETWORK" [brokerage in the fields of real estate and antiques]		Brown	No
10-30	OPP	111,896	Trump Taj Mahal Associates v. Chatam Int'l. Inc.	Simms Seeherman Holtzman*	2(d)	Opposition Dismissed	"XANADU" [entertainment services, namely, a nightclub and restaurant]	"XANADU" [wines and distilled spirits]			No
10-31	OPP (SJ)	113,557	Red Hat, Inc. v. CMC Magnetics Corp. Ltd.	Hohein Chapman Rogers [Opinion "By the Board"]	2(d); dilution	Opposition Dismissed [applicant's motion for summary judgment granted]	"RED HAT" [computer programs for operating systems, system administration, etc.; consultation services in the field of computer software]; design mark incorporating the image of a man's head and a red hat [computer programs for operating systems, system administration, etc; technical support services in the field of computer software]	"MR. DATA" (and design incorporating a stylized representation of a hat) [fax machines; televisions; audio cassette recorders and players; video cassette recorders; cameras; digital cameras; camcorders; stereo speakers; radios; video tapes; magnetic tapes, magnetic discs, floppy discs, CDs, CD-ROMs, CD-Rs, DVD ROMs, DVD-Rs, and DVD-RAMs—all blank]			No

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

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11-2	EX	75/176,745	Ames Department Stores, Inc.	Cissel Hanak Chapman*	whether the specimens of record show service mark use of the mark applicant seeks to register	Refusal Reversed		"PERFECT PLUS" (and design) [retail department store services featuring girls' apparel and accessories]		Matthews	No
11-2	EX	75/324,788	Patriot Computer Corp.	Cissel Hairston* Wendel	2(d)	Refusal Affirmed		"PATRIOT" [personal computers and printers]	"PATRIOT" [video monitors]	Sparacino	No
11-2	EX	75/387,625	S2 Yachts Inc.	Quinn Hohein* Rogers	2(d) [as to goods in Int. Classes 18, 21, and 25]; whether the identification of goods in Int. Classes 18 and 20 is sufficiently definite	Refusal Affirmed (as to all 2(d) citations but not as to the requirement for a more definite identification of goods in Int. Classes 18 and 20)		"TIARA" [expandable gear bags and boat duffel bags (Int. Cl. 18); (non-metallic) floatable key chains (Int. Cl. 20); insulated plastic glasses, coffee mugs, and metal and leather coasters (Int. Cl. 21); jackets, sweatshirts, parkas and baseball caps (Int. Cl. 25)]	<i>as to the goods in Int. Cl. 18: "TIARA" [luggage]; as to the goods in Int. Cl. 21: "TIARA" and "A TIARA EXCLUSIVE" (and design) [both marks for glass gift and tableware]; as to the goods in Int. Cl. 25: "TIARA INTERNATIONAL" [t-shirts and sweaters]</i>	Rauen	No
11-2	EX	75/442,768	Absopure Water Co.	Cissel Seeherman* Wendel (D)	2(e)(1)	Refusal Reversed		"HYDRATION STATION" [retail beverage vending services featuring mobile and stationary beverage sampling booths]		Thompson	No

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11-2	EX	75/459,582	John Wawrzonek	Cissel Hairston* Chapman	requirement for specimens that show trademark use of the matter applicant seeks to register; whether the matter applicant seeks to register functions as a mark for its goods	Refusal Affirmed (on both grounds)	"THE HIDDEN WORLD OF THE NEARBY" [art prints]			Foster	No
11-2	EX	75/152,342	William McCullam	Hanak Hohein Bottorff*	2(e)(1)	Refusal Affirmed		"THE AMERICAN ARTIFACT" [retail store services, mail order catalog services, and electronic online ordering services, all featuring clothes, furniture, tools, jewelry, housewares, personal care items, appliances, transportation equipment, foodstuffs, nostrums, husbandry and farming items, artwork, books, posters, ephemera, scientific devices, and weapons]		Evanko	No

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11-2	EX	75/396,003	O'Sullivan Industries, Inc.	Cissel Quinn* Holtzman	2(d)	Refusal Affirmed		"ID" (and design) [ready-to-assemble computer workstations and mobile work centers; ready-to-assemble desks, entertainment centers, TV/VCR cabinets and carts, bookcases and cabinets]	"I.D. KIDS" [children's furniture]	Cooper	No
11-2	OPP	111,240	Digi Int'l. Inc. v. ControlNet, Inc.	Seeherman* Walters	2(d)	Opposition Sustained	"DIGIBOARD" [microcomputer hardware and computer programs for use in communications]; "DIGI" (and design) [microcomputer circuit boards, etc. for use in connection with multi-user systems and LANs; microcomputer software for operating such microcomputer hardware; software for data communications in multi-user systems, software for data communications inn LANs and software for remote local area network access]; <i>and other marks incorporating the word "DIGI"</i>	"DIGIHOME" and "DIGIWIRE" [both marks for computer software for the development, design, and manufacture of semiconductor cores and integrated circuits; semiconductor cores, integrated circuits and integrated circuit assemblies for use with computer network protocols; design of semiconductor cores, integrated circuits and computer software for use by the computer communications and computer networking industries]			No

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11-2	EX	75/486,503	National Penn Bank	Seeherman* Hanak Hohein	2(e)(1)	Refusal Affirmed		"DEBT RESOLUTION" [banking services, namely, negotiating payoffs of current debt obligations of debtors for less than the outstanding balance and lending money to debtors to permit debtors to satisfy the current debt obligations by paying the negotiated payoff, and other consumer/debtor financial counseling services]		Taylor	No

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