

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 31 – February 4, 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
2-1	OPP (R)	99,024	Miguel Torres S. A. v. Casa Vinicola Gerardo Cesari S.R.L.	Simms Hairston* Walters	2(d)	Opposition Sustained [<i>Note: This is a decision on remand from the U.S. Court of Appeals for the Federal Circuit</i>]	"TORRES" [wines and brandy]; "TORRES" (and design) [wines and brandy]; "TRES TORRES" (in stylized lettering) [brandy]	"DUE TORRI" (and design) [wines]			No
2-1	CANC (SJ)	21,834	David Ervin v. Daiquiri Factory, Inc.	Cissel Bucher Rogers [Opinion "By the Board"]	2(d)	Petition to Cancel Granted [on petitioner's motion for summary judgment]	"THE DAIQUIRI FACTORY, LTD" [drive-up restaurant and cocktail lounge services]	"DAIQUIRI FACTORY" [cocktail lounge and bar services]			No
2-1	OPP	88,475	Joseph Davis Suthern v. Federal Ideas, Inc.	Seeherman Wendel Bottorff*	2(d)	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

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

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2-1	EX	75/437,487	Vern Vermeulen	Seeherman* Wendel McLeod	2(d)	Refusal Affirmed		"FACIAL MAGIC" [clay mask for toning and smoothing the skin]	"FACE MAGIC" [foundation make-up with sunblock]	Wallace	No
2-2	CANC (R)	25,354	Jurassic Stone Co. v. Solnhofen Natural Stone, Inc.	Simms* Quinn Walters	2(e)(2); whether applicant's mark has acquired distinctiveness under Sec. 2 (f); fraud]	Request for Reconsideration Denied [Petition to Cancel Granted (on 2(e)(2) and lack of distinctiveness grounds)]		"SOLNHOFEN" [natural building stone]			No
2-2	EX (R)	74/568,765	American Fertility Society	Simms Hanak Hairston*	whether the words "SOCIETY FOR REPRODUCTIVE MEDICINE" in applicant's mark are generic and must be disclaimed under Sec. 6	Refusal Reversed [Note: <i>This is a decision on remand from the U.S. Court of Appeals for the Federal Circuit</i>]		"AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE" [association services, namely, promoting the interests of the reproductive medicine industry]		Wellington	No
2-3	EX	75/240,156	Expo Systems, Inc.	Cissel Hohein Chapman*	2(d); 2(e)(1)	Refusal Affirmed (on both grounds)		"EXPO DISPLAYS" (in stylized lettering) [portable modular displays for use in exhibitions and trade shows]	"EXPO DISPLAY SERVICE" [portable, plug-together and collapsible exhibition, display and decorative systems]	Altree	No

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2-2	EX	75/134,973	The Sherwin-Williams Co.	Simms Seeherman* Walters	2(d)	Refusal Reversed		"THOMPSON'S PRO SEAL" [waterproofing preparations for porous materials and as a bond breaking compound in concrete construction, concentrated waterproofing compounds for concrete, metal and wood surfaces; chemical waterproofing chemicals which prevent mold, mildew and wood rot and helps to prevent fading and greying]	"PRO-SEAL" et al. [sealants and sealers for wet or oily, nonporous surfaces, etc.]; "PRO-SEAL" et al. [adhesives and sealant and gasket compounds for household and automobile use, etc.]	Ward	No
2-3	OPP	104,054	Color-Clings, Inc. v. Creative Horizons, LLC	Wendel Bucher* Rogers	2(d)	Opposition Dismissed	"COLOR-CLINGS" [non-adhesive window decorations made of a polymer material]	"CLING THINGS" [stickers and reusable peel-off plastic sheets containing graphic designs]			No
2-3	OPP	99,548	The Prudential Insurance Co. of America v. Development & Construction Corp. of America	Hohein* Bottorff Rogers	2(d)	Opposition Sustained	"ROCK SOLID" [real estate development, namely, planning, laying out and construction of real estate for others; etc.] et al.	"ROCSOLID" [custom construction of home]			No

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