

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 1-5, 2001**

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
10-3	OPP	114,399	John Rocco Roberto v. John Daniel Lees	Seeherman Holtzman Rogers*	counterclaim for cancellation of opposer's pleaded registration on grounds of non-ownership and fraud on the PTO	counterclaim for cancellation denied [Note: <i>Opposition had been previously dismissed for applicant's failure to file a brief on the case</i>]	"G-CON" (in stylized lettering) [entertainment services, namely, arranging and conducting conventions and/or exhibitions in the field of Japanese science fiction and fantasy]	"G-FEST" [organizing, promoting, and conducting conventions and exhibitions in the field of science fiction movies, books, and characters] [Note: <i>For purposes of its counterclaim, applicant alleged ownership of the mark "G-CON" in connection with the above-recited services</i>]			No
10-3	EX	75/422,600	Commerce Bancorp, Inc.	Seeherman Hanak* Quinn	2(d); Section 6 disclaimer requirement (of words CAPITAL MARKETS)	Refusal Affirmed (on basis of Section 6 disclaimer requirement only)		"COMMERCE CAPITAL MARKETS" [financial services in the nature of financial planning and investment brokerage and consultation services]	"FOR MY MONEY IT'S COMMERCE" [banking; financial services in the nature of installment, home equity, and temporary loans; investment brokerage; and safety deposit box services] and "COMMERCE FUNDS" (and design) [mutual fund services, namely, the solicitation, sale and distribution of mutual funds]	B. Brown	No

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

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10-3	EX	75/373,740	Destron Fearing Corp.	Wendel Bottorff* Drost	2(d); 2(e)(1)	Refusal Affirmed (on both grounds)		"LASERMARK" [ear tags for domesticated animals, namely, cows and hogs]	"LASR MARK" (and design) [metal tags used to identify fish and wildlife, and fish and wildlife metal tags for which a laser is used to apply or recover identifying marks]	Smiga	No
10-3	EX (R)	75/548,099	SnapTrack, Inc.	Simms Cissel Quinn*	2(d)	Request for Reconsideration Denied [Refusal Affirmed (as to both cited registrations)]		"SMARTSERVER" [global positioning systems hardware and software; communications services and telecommunications services, namely, using global positioning systems to provide for navigation, location, tracking, mapping and timing objectives for users; providing the electronic transmission of data and voice via global communications network and wireless networks; providing telecommunications connections to a global computer network; electronic transmission of voice messages and data by telephone or network communications]	"SMARTSERVE" [maintenance and/or repair of telecommunications equipment] and "SMART SERV ONLINE" (and design) [communications services, namely, providing access to data processing and communications platforms that link businesses, consumers, and professionals to information service and transactional service providers]	Rauen	No

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10-3	OPP	116,582	Aqua Day Spa, L.L.C. v. Beauty Emporium, Inc.	Chapman* Bucher Holtzman	2(e)(1)	Opposition Dismissed		"AQUA" [health spa and beauty salon services]			No
10-3	EX	75/708,835	Fred G. Farago	Wendel Bucher* Bottorff	2(d)	Refusal Affirmed		"SUPER I.Q. PLUS" [fruit juices, fruit juice concentrates, fruit drinks and fruit -flavored drinks]	"SUPER I.Q." (and design) [diet supplement tablets in softgel form containing natural ingredients in the nature of vitamin E, lecithin and marine lipid concentrate]	I. Clarke	No
10-3	EX	75/762,516	Kenneth H. Allman II	Hanak* Chapman Bottorff	2(e)(1)	Refusal Reversed		"HOSPITALLINK" [computer services, namely, providing a searchable index of hospitals and other medical care facilities available on a global computer network]		Billings	No
10-3	EX	75/509,370	Prize Central Networks, Inc.	Hanak Hohein* Walters	2(e)(1)	Refusal Reversed		"VIRTUAL LAS VEGAS" [entertainment services, namely, providing on-line computer games]		Spils	No
10-3	EX	75/938,995	Boot Royalty Co., L. P.	Walters Bucher Bottorff*	2(d)	Refusal Affirmed		"PBO" [orthopedic insoles, sold separately and as an integral part of boots and shoes]	"PB" (and design) [orthopedic and prosthetic appliances and parts thereof, and instruments for the fitting and assembly of such appliances]	Beyer	No

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10-5	EX	75/762,517	Kenneth H. Allman II	Hanak* Hairston Rogers	2(e)(1)	Refusal Reversed		"WEB-CV" [consulting services, namely, providing information about employment opportunities in the health care field by means of a web site and electronic mail]		Billings	No

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