

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 3-7, 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
9-5	EX	75/710,869	University of Iowa	Seeherman Wendel Bucher*	2(d)	Refusal Affirmed		"UI HEALTH CARE" [educational services, namely, conducting classes, conferences, seminars and workshops in the fields of medicine and nursing; inpatient and outpatient medical services; medical and health care research]	"UI" (in stylized lettering) [providing courses of instruction in various modalities to healthcare practitioners]	Blohm	No
9-5	EX	75/848,700	Playnet, Inc.	Simms* Wendel Bucher	2(e)(1)	Refusal Affirmed		"WWI ONLINE" [entertainment services, namely, providing an online multiplayer computer game utilizing simulated ships, planes, tanks, and individual soldiers]		Manalili	No
9-5	EX	75/284,502	Red Hawk Tobacco Co.	Quinn Chapman Rogers*	2(d)	Refusal Reversed		"ALL NATURAL CIGARETTES – KENTUCKY BLONDES" (and design incorporating a running horse) [chemical-additive free cigarettes]	"KENTUCKY CLUB CONTINENTAL BLEND" (and design incorporating a running horse) [smoking tobacco]	Chicoski	No
9-5	OPP	109,080	Celotex Corp. v. Cellux Converters, Inc.	Quinn Hohein Chapman*	2(d)	Opposition Sustained	"CELOTEX" (in two different displays of stylized lettering) [a wide variety of goods including material for wall boards, cements, insulation, box making material, and adhesive tape primarily intended for use with opposer's foam board products]	"CELLOTEC" [adhesive tape for stationery or household purposes; adhesive tape for sealing cartons for industrial or commercial use]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 3-7, 2001 (continued)

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
9-5	CANC	28,369	Kroeger Herb Products Co., Inc. v. Shaperite Concepts, Ltd.	Hanak Chapman Bucher*	2(d)	Petition to Cancel Granted	"METALINE" [natural dietary supplements]	"META-LEAN" [vitamins and nutritional dietary supplements]			No
9-5	OPP OPP	110,976 111,126	First American Fastrac Systems, Inc. and First American Corp. v. Empire Fire and Marine Ins. Co.	Chapman Walters Drost*	2(d)	Opposition Sustained in both cases	"FASTRAC" [computer services, namely, providing access time to a computer database in the field of insurance information to mortgage lenders; insurance services, including, issuing insurance policies, tracking premiums received, and processing claims]	"FASTRACK" and "FASTRACK" (in stylized lettering) [both marks for insurance claims processing via a 24-hour insurance claim and accident reporting hotline]			No
9-6	OPP	108,351	Richard W. (Skip) Beall, III v. Kenneth Charles Zima	Quinn* Hohein Hairston	2(d)	Opposition Sustained	"LONGBOARDS RULE" (and design) and "LONGBOARD" (and design) [both marks for clothing, namely, men's and women's t-shirts, sweatshirts, sweatpants, swimwear, knit shorts, walk-shorts, pants, caps, hats, jackets, wetsuits; footwear, namely, boots, shoes, sandals, and slippers]	"TOES OVER – ONLY ON A LONGBOARD" (and design) [clothing, namely, men's and women's t-shirts, shorts, swimwear, sweatshirts, sweatpants, wetsuits, vests, shirts, and headwear, namely, visors, caps, and hats; footwear, namely, boots, shoes, sandals and slippers]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 3-7, 2001 (continued)**

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
9-6	OPP (SJ) (R)	114,000	Ariel Remos v. Ariel Feierman	Quinn Hairston Bottorff*	2(d)	Request for Reconsideration Denied [Opposition Sustained (Opposer's motion for summary judgment granted)]	"ARIEL" [entertainment services in the nature of a live or recorded performing musical group]	"ARIEL" [entertainment services, namely, live performances rendered by a musical group]			No
9-6	EX	75/712,360	Nutri-Ject Systems, Inc.	Seeherman Hohein* Holtzman	2(d)	Refusal Reversed		"NUTRI JECT" (and design) [environmental remediation services, namely, soil, waste and/or water treatment services]	"NUTRI -JECT" [liquid nutrients for trees sold as a component of a hand-operated injection device]	Tolpin	No
9-6	CANC	21,869	Christopher Wade v. Riles & Co.	Quinn Walters Holtzman*	whether the matter applicant seeks to register functions merely as ornamentation; 2(e)(1) [generic or descriptive]; abandonment	Petition to Cancel Denied		"THREE-PEAT" [shirts, jackets, hats]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 3-7, 2001 (continued)**

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
9-7	OPP OPP	106,932 110,254	PRL USA Holdings, Inc. v. Malibu Riding and Tennis Club, Ltd.	Seeherman Quinn Drost*	2(d)	Opposition Sustained in both cases	<p>“POLO BY RALPH LAUREN” (and design) [men’s suits, slacks, ties, sweaters, shoes, shirts, hats, belts, socks; and ladies’ blouses, skirts, suits, and dresses]; “THE POLO CLUB” [retail clothing store services]; “POLO” [for clothing and accessories similar to those listed above; and for providing information in the field of fashion, fragrance, lifestyle and other topics of general interest by means of a global computer network]; “POLO RALPH LAUREN” (and design incorporating a polo player) [for men’s and women’s wearing apparel and accessories similar to those listed above]; two marks that, while differing slightly in design consist of the representation of a polo player [one mark for clothing and accessories similar to those listed above; the other mark for jewelry and for the information services listed above]</p>	<p>two marks that, while differing in some design features, both comprise the words “MALIBU POLO CLUB” and a representation of a polo player [one mark for clothing, headgear, and footwear, namely, athletic shoes, bathrobes, boxer shorts, briefs, clothing caps, rain coats, over coats, polo shirts, jackets, parkas, ponchos, sports shirts, sweat shirts, t-shirts, under shorts, Bermuda shorts, gym shorts, sweat shorts, socks, gym suits, jogging suits, sweat suits, warm-up suits and athletic uniforms; the other mark for clothing, headgear, and footwear, namely, shoes, socks, shorts, pants, shirts, jackets, and hats; dissemination of advertising matter; goods of precious metals and their alloys, namely, jewelry, clocks, watches and watch bands, and chronographs]</p>			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member