

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 5-9, 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
3-6	OPP	105,634	Echelon Corp. v. Echelon Residential LLC	Simms* Wendel Bottorff	2(d)	Opposition Dismissed	"ECHELON" [building control systems, namely, central processors (Neuron chips), development tools, network management products and software that provide identification, sensing, communications, and control of HVAC, lighting, and security systems in homes, buildings, and factories]	"ECHELON" [rental and leasing of apartments, office space, real estate, and real property; apartment house, office space and real estate management; real estate brokerage services; real estate development services; rental and leasing of aircraft]			No
3-7	OPP (R)	91,238	Reebok Int'l.Ltd. and Reebok Sports Ltd. v. Konstantin	Hanak* Wendel (D) Bucher	2(d)	Request for Reconsideration Denied (Opposition Sustained)	"REEBOK" [athletic shoes, clothing, sport bags, retail store services in the field of clothing, shoes, sports accessories, etc.,]	"REEBA" (and design) [card game]			No
3-7	EX	75/404,110	PageMart Wireless, Inc.	Seeherman* Quinn Hairston	2(d)	Refusal Affirmed		"KEEPING YOU IN TOUCH" [data and voice communication services namely, providing paging and voice messaging services]	"KEEPING YOU CONNECTED" [telecommunications services, namely, local and long distance telephone communications services, voice mail message services, caller identification services, paging services, etc.]	Baird	No

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

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3-7	EX	75/492,944	Nice N Easy Grocery Shoppes, Inc.	Cissel* Seeherman Hanak	2(d)	Refusal Reversed		"MAMA MIA'S CLASSIC PIZZA" [restaurant carry-out services]	"MAMA MIA! PASTA" (and design) [restaurant services]; "MAMA MIA" [Italian bread]; "MAMMA MIA" (and design) [cheese]; "MAMA MIA'S KITCHEN (and design) [pizza]—each of the four cited registrations owned by a different entity	Taylor	No
3-7	EX EX EX	75/492,089 75/492,090 75/492,091	Jake's Finer Foods Inc.	Hanak Bucher* Rogers	2(d); requirement for a more definite recitation of services	Refusal Affirmed (in all three cases)		"JAKE'S" (and design incorporating the representation of a chicken), "JAKE'S FINER FOODS" (and design incorporating the representation of a chicken), and "JAKES FINER FOODS" (in stylized lettering) [all three marks for wholesale distributorship services and "food services, namely, for procurement and preparation of packaged bulk poultry, frozen and canned vegetables, eggs, and dairy products, in large and small quantities, to include food service paper goods and disposables"]	"JAKE'S" [distributorship services in the field of seafood]	Cordova	No

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3-7	EX	75/485,536	The After-School Corp.	Simms Cissel* Wendel	2(e)(1); whether applicant's recitation of services is acceptable	Refusal Affirmed (on both grounds)		"THE AFTER-SCHOOL CORPORATION" [charitable fund-raising services and advisory services provided therewith, namely, the provision of resources to entities that organize and operate programs designed to enrich children and young adults after school hours, said resources being funding in the form of grants to such entities, training for the employees of such entities and consulting services pertaining to organizational management and program content]		Elsner	No
3-7	EX	75/438,388	Paj, Inc.	Cissel Hohein* Walters	2(e)(1); 2(a) [deceptiveness]	Refusal Affirmed (on both grounds)		"DIAMONDLITE" [jewelry]		Vavonese	No
3-7	EX	75/460,970	Innovative Marble & Tile Inc.	Quinn* Hairston Bottorff	whether applicant's specimens demonstrate use of its mark in connection with its recited services	Refusal Affirmed		"IMT ITALIA" [providing product information services for others in the nature of printed materials concerning the source of ceramic and porcelain tile, marble, granite, limestone, and agglomerates]		Johnson	No

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3-7	EX	74/665,896	DeRoyal Industries, Inc.	Quinn Hohein Bucher*	2(d)	Refusal Affirmed		"KALGINATE" [wound dressings comprising calcium alginate fibers]	"CALGONATE" [topical calcium gluconate gel for the treatment of burns]	Levine	No
3-7	EX	75/429,348	Beacon Chemical Co., Inc.	Hanak* Hohein Bucher	2(e)(1)	Refusal Affirmed		"LIQUID LAMINATE" [adhesive, namely, a non-toxic adhesive for crafts]		Donnell	No
3-7	EX EX	75/257,552 75/257,553	GAI-Tronics Corp.	Hohein Walters* Bottorff	2(e)(1); Section 6 disclaimer requirement (of the word SMART- SERIES)	Refusal Affirmed (in both cases)		"SMARTSERIES" and "SMARTSERIES" (and design) [both marks for micro-processor-based communications system, communications management system, and emergency notification system, for use in industrial environments and featuring a control panel; telephone handsets; telephone receivers; telephone interfaces; radio interfaces; supervised input/output devices; software; amplifiers; alarms; microphones; loudspeakers; receivers; strobe lights; and printers]		Rosaya	No
3-9	EX	75/616,258	Photo Access Corp.	Simms Hairston* Drost	2(e)(1)	Refusal Affirmed		"PHOTOCHIP" [electronic integrated circuits that provide image processing functions]		Weimer	No

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3-9	EX	75/504,154	Nichimen Graphics	Hanak* Hohein Wendel	2(d)	Refusal Reversed		"MIRAI" [computer software for developing images and animation]	"FUTURE" (in stylized lettering) [computer software for use in the visualization of animated graphics and designs for use in the field of video animation and video graphics]	Faint	No
3-9	EX	75/544,371	The Provident Bank	Hohein* Chapman Wendel	2(d)	Refusal Reversed		"PCFS FINANCIAL SERVICES" [financial services, namely, direct lending to consumers, buying and selling consumer loans from third parties and the following services associated therewith: portfolio lending, loan processing and servicing, and loan funding]	"P PACIFIC COAST FINANCIAL SECURITIES PCFS MEMBER NASD-SIPC" (and design) [brokerage services for investors in the field of securities]	Baird	No
3-9	EX	75/530,347	Mastrantonio Holdings (Proprietary) Ltd.	Cissel Hohein Chapman*	2(e)(4)	Refusal Affirmed		"MASTRANTONIO" [a wide variety of food products; wholesale and retail stores in the field of catering and food production services, merchandising services, import agencies; delicatessens, cafes, cafeterias, restaurants, snack bars, coffee shops, catering, bar services, take-out restaurant services]		Cuevas-Abreau	No

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3-9	EX	75/430,476	Sun Microsystems, Inc.	Hanak* Walters Rogers	2(e)(1)	Refusal Reversed		"PROCESSBEANS" [computer software for use in the development of application programs on a global computer network]		Billings	No
3-9	EX	75/040,585	Pacific Pinnacle Investments Ltd., dba Pacific Western Brewing Co.	Hairston Chapman* Bottorff	2(d)	Refusal Affirmed		"PACIFIC" [beer]	"PACIFICO" and "CERVECERIA DEL PACIFICO" (plus other wording and design) [both marks for beer]	Mahoney	No
3-9	EX	75/416,692	Global Marketing Associates, Ltd.	Hanak Bottorff* Drost	2(d)	Refusal Affirmed		"SUPERINVESTOR" [financial and investment consultation services]	"THE SUPERINVESTOR FILES" [series of financial and investment reference books]	Chhina	No
3-9	OPP (SJ)	114,796	Dade Behring Inc. v. Bio-Chem Laboratory Systems, Inc.	Seeherman Hairston* Rogers	2(d)	Opposition Dismissed (Applicant's motion for summary judgment granted)	"QUIKLYTE" [electrolyte testing apparatus for medical diagnostic use]	"CHEMLYTE" (in stylized lettering) [medical devices, namely, electrolyte analyzers for medical diagnostic use]			No

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