

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 11-15, 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
6-11	EX	75/646,397	Cleveland Mack Sales, Inc.	Hanak Wendel* Rogers	2(d)	Refusal Affirmed		"PERFORMANCE FINANCIAL" (and design) [financing services, namely, providing lease-purchase options in the financing of the lease or purchase of trucks, trailers, and structural parts therefor]	"PERFORMANCE BANKING" [banking services]	Keam	No
6-11	EX	75/672,070	National Nursery Products, Inc.	Quinn* Chapman Bucher	2(d)	Refusal Affirmed		"NATIONAL NURSERY PRODUCTS" (and design) [living plants, namely, annual and perennial plants and tropical plants; living trees, namely, flowering trees and foliage trees; fresh vegetables, fresh herbs, and mulch]	"NATIONAL NURSERIES, LTD." [plants, namely, nursery stock including hanging baskets, aglaonemas, brassaia, codiaemum, dieffenbachia, dracaena, ficus, palms, spathiphyllum and yucca]	Ervin	No
6-11	EX	75/706,467	Heather's Gourmet Café, Inc.	Simms Quinn* Wendel	2(d)	Refusal Affirmed		"RAINBOW BLEND" [specialized roasted Arabica chocolate, coconut, rum and vanilla coffee beans available through computer communications and interactive television]	"RAINBOW" [a variety of goods, including coffee and vegetable based coffee lightener]	An	No
6-11	EX	75/333,969	Ed Tucker Distributor, Inc.	Simms Hohein* Rogers	2(d)	Refusal Affirmed		"TWIN POWER" (and design) [motorcycle motor oil, motor parts and accessories of motorcycles, and structural and drive train parts of motorcycles, all sold exclusively by authorized distributors]	"TWIN POWER" [transmission belts]	Gartner	No

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

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6-11	EX	75/602,643	Aqua Glass Corp.	Simms Hanak* Bottorff	2(d)	Refusal Affirmed		"TUSCANY" [whirlpool bath]	"TUSCANY" [faucets]	Vasquez	No
6-13	EX	75/622,513	Delray Technologies, Inc.	Quinn Chapman Bucher*	2(e)(1)	Refusal Affirmed		"DIRECTWAVERADIO. NET" [providing multiple-user, wireless access to a global computer information network; global computer network development services, namely, designing and implementing web sites for others]		Shanahan	No
6-13	EX	75/377,494	Pride Health Care, Inc.	Cissel Seeherman* Hohein	2(d)	Refusal Affirmed		"HOW A POWER CHAIR SHOULD FEEL" [powered wheelchairs and powered wheelchair bases for use principally by elderly, infirm or disabled persons]	"POWERCHAIR" [collapsible electrically operated wheelchair]	Charlon	No
6-13	EX	75/687,288	Northridge Cellular, Inc.	Seeherman* Hanak Walters	2(e)(1)	Refusal Affirmed		"2-WAY WIRELESS" [retail store services featuring cellular telephones, pagers, and wireless equipment and accessories therefor]		Blohm	No
6-13	EX	75/476,096	Structural Bio-informatics, Inc.	Quinn Walters Bucher*	2(e)(1)	Refusal Affirmed		"GeneNetX" (in upper and lower case lettering) [consulting services in the field of bioinformatics and in the use of computer software and databases relating thereto]		Billings	No

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6-13	EX	75/573,721	Thomson Multimedia Inc.	Simms Chapman* Drost	2(d)	Refusal Affirmed		"GENIUS THEATRE" [television receivers and integrated receiver decoders]	"GENIUS REMOTE" [remote controller for television receivers]	Faint	No
6-13	OPP	104,973	Susan B. Komen Breast Cancer Foundation, Inc. v. The American Cancer Society, Mid-Atlantic Division, Inc.	Cissel Wendel* Rogers	2(d)	Opposition Dismissed	"RACE FOR THE CURE" [charitable fundraising, namely, organizing and conducting foot races to raise money for breast cancer research and local community breast cancer awareness programs]	"CARS FOR A CURE" [charitable fundraising, namely, selling donated used vehicles with the revenues used for cancer-related purposes]			No
6-13	EX	75/347,820	Manufactura de Tabacos (MATASA), S. A.	Hanak* Wendel Bottorff	2(e)(2)	Refusal Reversed (provided applicant submits disclaimer of word NICA-RAGUA)		"PRIMERA DE NICARAGUA" [cigars made from Nicaraguan tobacco]		R. McMorrow	No
6-13	EX	75/501,156	Sharp Kabushiki Kaisha	Seeherman Walters Chapman*	2(e)(1)	Refusal Affirmed		"SMART PACKAGE" [integrated circuits for use in liquid crystal display apparatus]		Thompson	No

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6-15	EX	75/619,998	Ming Lau	Hairston* Rogers Drost	2(d); Section 6 disclaimer requirement (of the word EXPRESS)	Refusal Affirmed (but only as to requirement for disclaimer)		"GW GREAT WALL EXPRESS" [restaurant services]	"GREATWALL" and "GREATWALL BRAND" (and design) [both marks for canned goods, namely, meat, fish, poultry, fruits, vegetables, and jams]	Oh	No
6-15	EX	75/103,066	U. S. Tsubaki, Inc.	Quinn Wendel* Bucher	2(e)(1); whether applicant's amendment to its original recitation of services is acceptable	Refusal Affirmed (on both grounds)		"G.I.S." [consultation services, namely, providing geographic information systems for assisting distributors in locating and identifying potential customers for chains and sprockets]		Holland-Chatman	No

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