

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 13-17, 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
8-15	EX	75/508,824	Regent Lighting Corp.	Hanak Chapman Bucher*	2(e)(1)	Refusal Reversed		"SURVEILLANCE" [outdoor electric lighting fixtures and electric light bulbs for outdoor lighting]		Stokols	No
8-15	EX	75/714,181	MVD Pizza Corp.	Wendel Bucher* Drost	2(d)	Refusal Affirmed		"LOUIE'S BROOKLYN PIZZA" [restaurant services]	"LOUIE'S PIZZA & ITALIAN RESTAURANT" (and design) [restaurant services]	Hickey	No
8-15	EX	75/647,888	Micro-Strategy Incorporated	Simms Quinn Walters*	2(e)(1)	Refusal Affirmed		"THE E-BUSINESS INTELLIGENCE PLATFORM" [computer education training services; computer services, namely, providing computer consulting services, computer support services, namely, troubleshooting of computer hardware and software problems via telephone and e-mail, computer software design for others]		Wahlberg	No
8-15	EX	75/430,345	Meramec Group, Inc.	Simms Cissel* Quinn	2(d); 2(e)(1); request for information under Trademark Rule 2.61(b); whether applicant's identification of goods is sufficiently definite	Refusal Affirmed on all grounds except 2(e)(1)		"INDUSTRIAL STRENGTH COMFORT" [footwear components]	"INDUSTRIAL STRENGTH" [orthopedic braces]	Rossmann	No

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8-15	EX	75/724,732	Hans Neschen AG	Chapman Wendel Bottorff*	2(d)	Refusal Affirmed		"FILMOPRINT" [printed matter, namely, printed films of plastic or paper for use in printing, marking and commercial wrapping; adhesive printed films of plastic or paper for use in printing and marking; adhesive and non-adhesive printable paper webs for printing; adhesive films for paper and stationery use; adhesive films for household use; plastic sheets and printable plastic sheets for writing, printing and marking]	"FILMPRINT" [adhesive labels]	Estrada	No
8-15	EX	75/689,077	Infinity Broadcasting Corp. of Dallas	Seeherman Quinn* Holtzman	2(d)	Refusal Affirmed (as to both cited registrations)		"KYNG" [radio broadcasting services]	"KING-TV" [television broadcasting services] and "KING FM" [radio broadcasting services]	Benzmiller	Yes
8-15	EX	75/750,917	Vodavi Communications Systems, Inc.	Walters Bucher* Bottorff	2(d)	Refusal Affirmed		"DVX PLUS MACH I" [key telephone system, namely, the proprietary control unit and associated station card]	"DVX" [voice communication system for voice storage and forwarding, comprising microprocessor and prerecorded programs therefor for connection to a telephone network]	Regan	No

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8-15	OPP	112,190	Mana Products, Inc. v. Black Onyx, Inc.	Simms Bottorff* Drost	2(d)	Opposition Sustained	"BLACK OPAL" [pre-shave cleansers, shave gels, after-shave lotions, and razor bump treatment gels, etc.]	"BLACK ONYX" (and design) [skin conditioner and shaving lotion, both of which eliminate skin bumps]			No
8-15	CANC (SJ)	29,938	Maverick Media, Inc. v. Weyerhaeuser Co.	Simms* Chapman Bottorff	abandonment; whether respondent's registration should be restricted under Section 18	Petition to Cancel Denied (and request for Section 18 restriction denied)	"AD IMPAC" (and design) [printed promotional packaging for product inserts, namely, printed sheets and paper advertising inserts]	"IMPAK" [printed graphic art, commercial art work, namely photographs and manual illustrations, camera-ready art, namely, art boards of visual elements for commercial purposes, printed paper liners for use with packaging and displays and printed paper liners for use with related promotional products]			No
8-15	OPP	113,393	Coventry Healthcare, Inc., Coventry Corp., Health-america Pennsylvania, Inc. and Maxicare Health Plans, Inc. v. Healthcard America, Inc.	Simms Hanak Hohein*	2(d)	Opposition Sustained	"HEALTHAMERICA" [management of entities which provide prepaid health care services; prepaid financing of health care services; providing health care services]	"HEALTHCARD AMERICA" (and design) [healthcare financing, medical savings accounts, and electronic claims filing]			No

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8-17	EX	75/725,579	DLI Engineering Corp.	Seeherman Hohein* Holtzman	2(d)	Refusal Affirmed		"SMARTMACHINE" [computer software and hardware for predicting maintenance needs of industrial machinery]	"SMART MACHINES" [computer programs and program manuals, all sold as a unit]	Gilbert	No
8-17	EX	75/578,828	Publishing Group of America, Inc.	Simms Bucher Rogers*	2(e)(1)	Refusal Affirmed		"AMERICAN PROFILE" [newspaper supplements in the field of lifestyles of rural America]		Levy	No
8-17	EX	75/757,611	John Kurowski	Hohein Rogers* Drost (D)	2(e)(1)	Refusal Reversed (provided applicant submits Sec. 6 disclaimer of word "GREEN")]		"BUILT GREEN" [indicating membership in an association of developers, contractors, builders, and manufacturers in the construction industry who are environmentally friendly]		Dinallo	No
8-17	EX	75/404,247	Bishamon Industries Corp.	Cissel Hohein* Bucher	2(e)(1)	Refusal Affirmed		"AIRPOWER" [material handling equipment, namely, pneumatic or hydraulic lift tables and tilt tables]		First	No
8-17	EX	75/457,016	Equidyne Systems, Inc.	Hanak Wendel* Holtzman	2(e)(1)	Refusal Affirmed		"INJEX" [needle-free medical drug delivery system, namely, needle-free injectors, disposable needle-free ampules, cocking and carrying cases for needle-free injectors, fluid transfer couplers, and accessories therefor]		Cofield	No

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8-17	OPP	92,052	Demart Pro Arte, B.V. v. Mike Khemlani	Hanak* Quinn Hohein	2(d)	Opposition Sustained	"SALVADOR DALI" [a wide variety of products and services, including perfume]	"DALINI" [toilet water, perfume, body lotion, cologne, hair shampoo, hair conditioner and deodorant for personal use]			No
8-17	OPP	99,915	Haverly Systems, Inc. v. Omni Flow Computers, Inc.	Cissel* Rogers Drost	2(d)	Opposition Dismissed	"OMNI" [computer software]	"OMNI" [flow measurement and control computers featuring integrally attached keypads for the measurement and control of liquid hydrocarbon and gas flows; printed matter, namely, user manuals for measurement and control computers and controllers for use in the measurement and control of hydrocarbon liquid and gas flows]			No
8-17	EX	75/473,959	Broyhill Furniture Industries, Inc.	Simms Seeherman Hohein*	2(e)(3)	Refusal Affirmed		"TOSCANA" [furniture]		Hickey	Yes
8-17	EX	75/502,333	Caldon Co.	Hohein Hairston Drost*	2(d)	Refusal Reversed		"FLOW WATCH" [leak detection equipment and feed water fluid flow measurement equipment for power plants]	"FLOOD WATCH" [leak detection alarms]	Dickinson	No
8-17	EX	75/213,493	Café Rico, Inc.	Cissel Hohein* Walters	2(d)	Refusal Affirmed		"CAFÉ RICO" (in stylized lettering) [coffee, decaffeinated coffee, espresso, and a blend of regular and decaffeinated coffee]	"RICO" [coffee]	Bello	No

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8-17	EX	75/195,865	Commission on Accreditation for Law Enforcement Agencies, Inc.	Chapman* Bottorff Holtzman	Section 6 disclaimer requirement (of the words LAW ENFORCEMENT ACCREDITATION)	Refusal Affirmed		"LAW ENFORCEMENT ACCREDITATION" (and design) [setting and reviewing standards and practices in the field of law enforcement; and inspections to determine compliance with standards and practices in the field of law enforcement]		Charlon	No
8-17	EX	75/980,951	Shiseido Co., Ltd.	Cissel Hairston Chapman*	2(e)(1)	Refusal Reversed		"SUCCESSFUL AGING" [educational services, namely, seminars, practical training in the form of educational demonstrations, academies, colloquiums, symposiums, conferences, and correspondence courses, all in the field of health, beauty, personal care and nutrition; organizing exhibitions in the field of health, beauty, personal care and nutrition; arranging and conducting athletic competitions; and teaching in the field of health, beauty, personal care and nutrition; beauty salons, hairdressing salons, providing fashion information, health care, physical therapy, cosmetics research and food nutrition consultations]		Kovalsky	No

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