

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
December 17-21, 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
12-19	EX	75/513,342	Gibson Guitar Corp.	Seeherman* Wendel Drost	2(e)(5) [de jure functional]; whether, even if not de jure functional, applicant's product configuration is distinctive as a trademark]	Refusal Affirmed (on both grounds)		configuration of the body of a guitar [guitars]		Gaynor	Yes
12-19	EX	75/843,132	Zarak Systems Corp.	Hairston Walters Chapman*	2(d)	Refusal Affirmed		"ABACUS" [computer hardware and software for testing communications systems and equipment by generating and switching telephone traffic]	"ABACUS" [computer software for automatic call distribution management]	Hermansen	No
12-19	EX	75/606,002	Star Bridge Systems, Inc.	Bottorff Rogers* Drost	whether applicant's original and/or substitute specimens show trademark use of its mark in connection with the goods recited in the application	Refusal Affirmed		"IADL" [supercomputer software development tools for describing algorithms for use on reconfigurable parallel processing supercomputers]		Wahlberg	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  
December 17-21, 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
12-19	EX	75/738,233	Microspot USA, Inc.	Seeherman Hairston Walters*	2(e)(1)	Refusal Affirmed		"PCDRAFT" [two-dimensional computer aided design (CAD) software for personal computers]		Bruno	No
12-20	EX EX	75/712,805 75/712,807	Financial Engines, Inc.	Quinn Hohein* Drost	whether the matter sought to be registered functions as service marks for the services identified in the applications	Refusal Affirmed (in both cases)		stylized cloud design <i>and</i> stylized sun design [ <i>both marks for</i> financial services and interactive computer on-line services offered via a global computer network in the fields of financial planning, investment analysis, portfolio allocation and recommendations for selecting specific financial instruments]		Vanston	No
12-20	OPP CANC	107,476 26,722	Supplemental Restraint Specialists, Inc. v. Safety Restraint Systems, Inc.	Simms Seeherman Walters*	2(d)	Opposition Sustained; Petition to Cancel Granted	"SUPPLEMENTAL RESTRAINT SPECIALISTS" <i>and</i> "SRS" (in stylized lettering), plus a design feature and the wording "SUPPLEMENTAL RESTRAINT SPECIALISTS, INC." [ <i>both marks for</i> service and installation of automobile airbag parts]	"SRS" (in stylized lettering), plus the wording "SAFETY RESTRAINT SYSTEMS INC." <i>and</i> "SRS" (in stylized lettering) [ <i>both marks for</i> installing airbags and airbag sensors in automobiles in which the previous airbags have been deployed]			No
12-20	EX (R)	75/481,117	Matsui Int'l. Co., Inc.	Hanak* Hairston Walters	2(d)	Request for Reconsideration Denied [Refusal Affirmed]		"UNIMARK" [heat transfer labels]	"UNIMARK" [self-adhesive unprinted labels and marking tabs]	Quinn	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  
December 17-21, 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
12-20	OPP	108,652	Little Caesar Enterprises, Inc. v. Silver Lake Restaurant Systems, Inc.	Cissel Hohein Wendel*	2(d)	Opposition Sustained	"PIZZA!PIZZA!" [restaurant services; pizza]	"PEACE A PIZZA" (and design) [restaurant services]			No
12-20	EX	75/489,177	Bettor Technology, Inc.	Hohein Chapman* Wendel	2(e)(1)	Refusal Affirmed		"THE RACING NETWORK" [audio, data and video telecommunications services, namely, the dissemination of audio, data and video programs featuring horse racing, dog racing and other sports events over television, satellite and other audio and video media and over a global computer network]		Bullock	No
12-20	EX EX	75/704,360 75/570,906	Durney Winery Corp.	Quinn Walters* Rogers	2(e)(4)	Refusal Affirmed (in both cases)		"HELLER VINEYARD" and "HELLER ESTATES" [both marks for wine]		Delaney	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