

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 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
9-17	EX	75/645,560	Code Consultants, Inc.	Cissel Hairston Holtzman*	2(d)	Refusal Affirmed		"CCI CODE CONSULTANTS, INC." (and design) [fire prevention consultation in the nature of fire alarm and fire sprinkler designs]	"CCI" [indicating membership in an organization of construction inspectors]	Fletcher	Yes
9-17	EX	75/744,177	Cigarettes Cheaper!	Simms Seeherman* Walters	whether the matter asserted for registration functions as a mark	Refusal Affirmed		"PACKS AT CARTON PRICES" [cigarettes]		Rittner	No
9-17	EX	75/596,169	Cairo	Seeherman Quinn Hohein*	2(e)(1)	Refusal Affirmed		"ECERTIFIED" [providing certification of delivery of e-mail messages and e-mail messages delivered electronically via the world wide web]		Hammond	No
9-17	OPP	115,002	Newport Electronics, Inc. v. Newport Scientific Pty. Ltd.	Quinn Wendel* Holtzman	2(d)	Opposition Dismissed	"NEWPORT" [industrial and scientific equipment, including analyzers and flow meters]	"NEWPORT SCIENTIFIC" (and design) [food analyzers for assessing and determining viscosity properties of foodstuffs, including milk and dairy products, cereals, grains, and derivative products thereof such as cooked starch, bread, and flour]			No
9-17	EX	75/308,399	Nova Knits, Inc.	Chapman* Wendel Bottorff	2(d)	Refusal Affirmed		"NOVA KNITS" [men's and women's sweaters]	"NOVA SHEERS" [pantyhose]	Berk	No

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9-17	EX	75/549,080	World of Leather, Inc.	Simms Walters Drost*	2(d)	Refusal Affirmed		"WORLD OF LEATHER" (and design) [retail store services featuring leather furniture]	"LEATHER WORLD" [retail furniture store featuring leather goods]	Henely	No
9-17	EX	75/726,623	BuyPatents.com, LLC	Simms* Walters Holtzman	2(e)(1)	Refusal Affirmed		"BUYPATENTS.COM" [brokerage services in the field of intellectual property, namely, promotion of the sale of patents on behalf of third parties]		Spils	No
9-17	EX	75/461,790	Professional Systems Corp.	Cissel Quinn Hohein*	2(d)	Refusal Reversed		"DATAEXPRESS" [invoicing services, namely, collecting and assembling billing information, and generating and mailing statements, invoices, reports and collection letters]	"NDEX NETWORK DATA EXPRESS" [electronic transmission of messages, data and documents in the field of healthcare]	Baird	No
9-17	EX	75/513,775	The Aerospace Corp.	Cissel Quinn* Chapman	2(e)(1) [genericness]; whether applicant's mark, if not generic, is registrable under Section 2(f)	Refusal Affirmed		"THE AEROSPACE CORPORATION" [engineering and surveying services in the field of electronics, physics, and space vehicles; technical consultation and research services, namely, industrial design services, in the general fields of electronics, physics and space vehicles]		Choe	No
9-17	EX	75/783,734	Gregory L. Horne	Simms* Seeherman Walters	Section 6 disclaimer requirement (of the word INTERCEPTOR)	Refusal Reversed		"INTERCEPTOR ID" [telephone call monitor that diverts calls from unknown persons to an audio recorder]		Chosid	No

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9-18	EX	75/693,125	Bonakemi USA, Inc.	Simms Hairston* Walters	2(e)(1)	Refusal Affirmed		"COURTLINES" [interior paint for use in painting sport floors]		T. Hickey	No
9-18	EX	75/363,075	Siemens Power Transmission & Distribution, Inc.	Seeherman Hairston* Wendel	2(e)(1)	Refusal Affirmed		"DYNAMIC VOLTAGE RESTORER" [solid state voltage regulators that compensate for changes in voltage level and frequency, shifts in voltage phase and other sine wave integrity characteristics]		Vanston	No
9-18	EX	75/657,359	Republic Tobacco L.P.	Hairston Wendel* Rogers	2(e)(1)	Refusal Affirmed		"TOBACCO WRAPS" [cigarette rolling papers made with tobacco leaves]		French	No
9-18	EX	75/471,626	K ² T, Inc.	Quinn Hohein* Rogers	2(e)(1)	Refusal Affirmed		"SCENEMODELER" [laser range sensors for use in the architecture, engineering, and construction industries]		Baldwin	No
9-20	EX	75/735,772	Sun Management Services, Inc.	Cissel Rogers* Drost	2(d)	Refusal Affirmed		"CHIEF" [supermarket store services]	"CHIEF" [spices and seasoning]	A. Page and T. Hardy	No
9-20	OPP	111,879	Hungry Howie's Pizza & Subs, Inc. v. Neil Diamond	Cissel Quinn* Hohein	2(d)	Opposition Sustained	"FRUZZA" [pies]	"FRUZZATTI" [gelato, ice cream, frozen yogurt, sandwiches, pizza, salads, namely, pasta, macaroni and rice salads]			No
9-20	OPP	109,500	Precision Foods, Inc. v. Major Products Co., Inc.	Walters Bottorff Holtzman*	2(d)	Opposition Dismissed	"THICK-IT" [food thickeners]	"MAKE IT THICK" [food thickeners]			No

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9-20	EX	75/977,753	Missouri Basin Municipal Power Agency	Simms (D), <i>in part</i> Hanak Drost*	Section 6 disclaimer requirement (of words MISSOURI RIVER)	Refusal Affirmed as to services in Cls. 37, 39, and 42 but Refusal Reversed as to services in Cl. 36		"MISSOURI RIVER ENERGY SERVICES" (and design) [Cl. 36: bill payment services; Cl. 37: maintenance of utility distribution lines; Cl. 39: public utility services; Cl. 42: energy management, namely, energy engineering and technical consultation services relating to development, control, production, use, purchase and conservation of energy; legislative consulting and lobbying services in the utility field]		O'Lear (<i>Managing Attorney</i>)	No
9-20	EX	75/642,693	Pharmacia & Upjohn Co.	Seeherman* Hanak Quinn	whether the matter applicant seeks to register is used as a service mark	Refusal Reversed		"STOMP" [animal health care management services, namely, consulting services provided to farmers, ranchers, breeders and veterinarians regarding disease identification, prophylactics, and control programs; veterinarian services, namely, disease research and testing for animals, and animal health care counseling]		Micheli	No
9-20	EX	75/025,151	The Wackenhut Corp.	Walters* Holtzman Rogers	genericness (registrability on the Supplemental Register)	Refusal Affirmed		"CORRECTIONAL FOODSERVICE MANAGEMENT" [foodservices for penal institutions]		Carruthers	No

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9-20	EX	75/685,069	Tony Lutz	Hanak Hohein Walters*	2(e)(1)	Refusal Affirmed		"SMART PLUG" [electrical plug for a standard AC-plug housing that monitors the power line for voltage and electric current spikes or variations in voltage or electric current and records changes in the line, namely, the elapsed time of usage, maximum and minimum line voltage, and maximum current draw, and reads back the data to a personal computer through a user interface, for the purpose of monitoring energy consumption or to determine wear and tear on power tools; and computer software for use in converting data from electrical plug, which monitors the current and voltage variations, to a computer readable and displayable form]		Webster	No
9-20	EX	75/817,473	Pizza Capri L.L.C.	Quinn Hohein* Holtzman	2(d)	Refusal Reversed		"VIVALDI" [restaurant services]	<i>2 cited registrations, owned by different registrants:</i> "VIVALDI" [ham]; "VIVALDI" [wines; candy, biscuits, and chocolate-coated biscuits]	B. Rupp	No

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9-20	EX	75/555,098	Knoll, Inc.	Chapman Bottorff Drost*	2(e)(1) [deceptively mis-descriptive]	Refusal Affirmed		"STONES" [office and residential furniture]		Krebs	No
9-20	OPP	111,740	Gillette Canada Co. v. Everapex Products, Inc.	Hairston Walters* Bottorff	2(d)	Opposition Sustained	a number of marks consisting of or incorporating the designation "ORAL-B" [a variety of preventive dentistry products, including manual toothbrushes, dental floss and power-assisted or electric toothbrushes]	"ORAL TECH" [dental mirrors and dental picks; manual, power-operated, and interdental toothbrushes, dental floss, and dental floss picks]			No
9-21	EX	75/772,432	EBSCO Industries, Inc.	Hohein* Holtzman Drost	2(d)	Refusal Affirmed		"BIGHORN" [muzzleloading firearms]	"BIG HORN" [folding pocket knives]	Bullock	No

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9-21	OPP	113,893	Nautica Apparel, Inc. v. Kevin Crain	Hanak Chapman Drost*	2(d); whether applicant had bona fide intent to use its mark at the time it filed its application for registration	Opposition Sustained (on Section 2(d) ground only)	<p>“NAUTICA” [footwear]; “NAUTICA” (in stylized lettering) [umbrellas, luggage, <i>and a variety of other items, including stationery items</i>; belts and suspenders; hosiery, shoes, undershirts, undershorts, shirts, blouses, trousers, jackets, suits, bathing suits, bathrobes, slippers, shorts, <i>etc.</i>; neckwear, scarves, socks, hats, foul weather clothing, <i>etc.</i>]; “N NAUTICA” (and design) [caps and hats, robes, loungewear, t-shirts and knit shirts, jackets, sweaters, ties, hosiery, sport jackets and slacks; men’s suits]; “NAUTICA COMPETITION” (and design) [<i>a variety of wearing apparel</i>]; “NAUTECH” (and design) [fabric for use in the manufacture of wearing apparel; <i>and various clothing items</i>]; “NAUTICAL MARINE DENIM CO.” (and design) [jackets, vests, pants, and woven and knit shirts]</p>	<p>“NAUTI BODY” [men’s and women’s clothing, namely, t-shirts, swimwear, sweatshirts, elastic tops and bottoms, tank tops, hats, and caps]</p>			No

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