

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 24-28, 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
9-25	EX	75/848,951	Playnet, Inc.	Simms* Wendel Bucher	2(e)(1)	Refusal Affirmed		"WORLD WAR II ONLINE" [entertainment services, namely, providing online multiplayer computer game utilizing simulated ships, planes, tanks and individual soldiers]		Manalili	No
9-25	EX	75/707,709	National Nutritional Foods Ass'n.	Hanak Quinn* Walters	2(d)	Refusal Reversed		"GMP GOOD MANUFACTURING PRACTICES NNFA" (and design) [dietary supplement manufacturing certification services]	"GMP GOOD MANUFACTURING PRACTICE" (and design) [food supplements]	Krehely	No
9-25	EX	75/420,592	Snap-Tite, Inc.	Cissel Quinn* Holtzman	2(e)(1)	Refusal Affirmed		"EZE-SEAL" [scientific laboratory equipment, namely, autoclaves and pressure vessels for equipment testing]		First	No
9-25	EX	75/481,164	Computer Corporation of America	Simms Quinn* Chapman	2(d)	Refusal Affirmed		"CONNECT" (and design) [computer software, namely, database access software which performs in a client server architecture, and is installable on personal computers, or other intelligent client terminals, and in a local network as a gateway to data stored on a mainframe]	"CONNECT" [computer programs and instructional manuals sold therewith for use with personal computers in accessing informational databases]	Baldwin	No
9-25	EX	75/749,063	Pemobi Comercial Exportadora Ltda.	Hohein* Hairston Drost	2(e)(3)	Refusal Affirmed		"GIALLO CALIFORNIA" [granite stones]		Cordova	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**  
**September 24-28, 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
9-25	EX	75/654,685	Quicklaw America, Inc.	Seeherman* Hohein Rogers	2(e)(1)	Refusal Affirmed		"CODE OF FEDERAL REGULATIONS ONLINE" [providing the updated and editorially enhanced text of the Code of Federal Regulations in an on-line format, via a global computer network]		Snapp	No
9-25	EX	75/229,690	X Technology, Inc.	Simms Hohein Bucher*	whether the specimens of record show service mark use of applicant's mark in connection with its recited services	Refusal Affirmed		"X TECHNOLOGY INCORPORATED" (and design) [advertising of personal computers, personal computer monitors, mother boards, modems, random access memory for personal computers, computer supplies, multimedia components for personal computers and parts for personal computers, on a website, in mail order related magazines and in magazines directed to personal computers]		L. Thompson	No
9-25	EX	75/270,326	Infonxx, Inc.	Simms Wendel Bucher*	2(e)(1)	Refusal Reversed		"PERSONAL PAGES" [telephone directory information services]		W. K. Price	No
9-25	EX	75/559,558	British - American Tobacco (Holdings) Ltd.	Hanak Quinn Bucher*	Section 6 disclaimer requirement (of words BRITISH AMERICAN, as a unit)	Refusal Affirmed		"BRITISH AMERICAN TOBACCO" (and design) [sunglasses; watches and stopwatches; cloth flags; ornamental novelty pins and badges; scale model vehicles, etc.]		Snapp	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  
September 24-28, 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
9-25	EX	75/565,599	Ticket.com	Hanak Quinn Bucher*	2(e)(1)	Refusal Affirmed		"1-800-TICKETS" (in stylized form) [online information services, namely, the provision of information relating to travel via global computer network; online information services, namely, the provision of information relating to shows and other entertainment events via global computer network; online travel agency services, namely, making reservations and bookings for temporary lodging via global computer network]		Baldwin	No
9-25	EX	75/565,598	Ticket.com	Hanak Quinn Bucher*	Section 6 disclaimer requirement (of term TICKETS.COM")	Refusal Affirmed		"TICKETS.COM" (and design) [online information services, namely, the provision of information relating to travel via global computer network; online information services, namely, the provision of information relating to shows and other entertainment events via global computer network; online travel agency services, namely, making reservations and bookings for temporary lodging via global computer network]		Baldwin	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  
September 24-28, 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
9-25	EX	75/600,234	Sonnet Technologies, Inc.	Simms* Walters Drost	2(d)	Refusal Affirmed		"CRESCENDO" [computer hardware, namely, computer processor performance upgrade cards]	"CRESCENDO" (and design) [computer programs]	Cross	No
9-25	OPP	97,864	Pelonis USA Ltd. v. Del-Rain Corp.	Simms* Chapman Bottorff	de jure functionality; 2(e)(1)	Opposition Dismissed		design mark consisting of four circles and a star-like device [portable electric heaters]			No
9-25	OPP	115,090	Bass Hotels & Resorts, Inc. v. Innco	Simms* Cissel Hairston	2(d)	Opposition Dismissed	"HOLIDAY INN EXPRESS" [hotel and restaurant services]	"GATEWAY INN EXPRESS" [motel services]			No
9-25	EX	75/722,593	Opus One, Inc.	Cissel Bottorff* Rogers	2(d)	Refusal Affirmed		"OPUS ONE" [restaurant services]	"OPUS ONE" [wine]	Battle	Yes
9-26	OPP OPP OPP	109,470 109,471 109,741	M-5 Steel Mfg., Inc. v. O'Hagin's Inc.	Simms* Wendel Bottorff	de jure functionality; whether applicant's claimed marks are distinctive under Section 2(f); affirmative defenses of contractual estoppel, waiver and breach of agreement	Opposition Sustained in all three cases		three configurations of applicant's goods [metal roofing tiles and metal ventilating ducts and vents for tile or concrete roofs]			No
9-26	EX	75/605,331	Forrester Laboratories	Quinn Walters Holtzman*	2(d)	Refusal Reversed		"RE-GEN" [non-medicated skin care preparations]	"REGENERATION" [skin moisturizing creams and lotions]	Dall	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  
September 24-28, 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
9-26	EX	75/724,894	The 67 Liquor Shop, Inc.	Quinn* Wendel Bottorff	2(d)	Refusal Reversed		"WALL STREET WINE EXCHANGE" [wine brokerage services]	"WALL STREET" [whiskey]	Keam	No
9-26	EX	75/260,089	All Rite Products, Inc.	Quinn* Rogers Drost	2(e)(5) (de jure functionality)	Refusal Affirmed		configuration of applicant's goods [a carrier fork, sold as an integral component of a utility carrier mounted on motorized vehicles used to hold elongated objects]		Perkins	No
9-27	CANC (SJ)	30,482	QVC, Inc. v. Informal Education Products, Ltd.	Hohein Bottorff Rogers [Opinion "By the Board" (Ryan)]	2(e)(1); genericness	Petition to Cancel Denied (Re-spondent's motion for summary judgment granted)		"MUSEUM TOUR" [retail catalog and online electronic retail services featuring gifts, toys, games, books, puzzles, CD-ROMs, videos, software and apparel]			No
9-27	CANC (SJ)	29,464	Donald C. Hayhurst v. American Association of Naturopathic Physicians	Seeherman Hanak Hairston*	abandonment; affirmative defense of lack of standing	Petition to Cancel Denied (Re-spondent's motion for summary judgment granted)		"AMERICAN ASSOCIATION OF NATUROPATHIC PHYSICIANS" [association services, namely, promoting the interest of naturopathic physicians]			No
9-27	EX	75/308,629	Endress + Hauser Flowtec AG	Hairston* Chapman Wendel	2(d)	Refusal Affirmed		"PROMAG" [electromagnetic flowmeters]	"PRO MAG PM LIMITED" (and design) [electric, pneumatic, fiber optic liquid level gages and switches]	Belouin	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  
September 24-28, 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
9-27	OPP (SJ)	118,181	Pfizer, Inc. v. Gregg Hamerschlag	Cissel Chapman Wendel [Opinion "By the Board" (Dunn)]	whether applicant had a bona fide intention to use its mark at the time it filed its Section 1(b) application; whether applicant made an invalid assignment of its ITU application under Section 10, thus rendering the application void	Opposition Sustained (Opposer's motion for summary judgment granted)—on "invalid assignment" ground only	"VIAGRA" [compound for treating erectile dysfunction]	"CLIAGRA" [natural, herbal vitamins and mineral supplements, namely, an herbal aphrodisiac to enhance female sexual desire]			No
9-27	EX	75/679,587	Big O Tires, Inc.	Hairston* Holtzman Rogers	whether the mark in applicant's drawing is a substantially exact representation of the mark actually used	Refusal Affirmed		a graphic representation of the head of the legendary character known as "Big Foot" or "Sasquatch" [tires for land vehicles]		Linnehan	No
9-27	EX	75/649,851	Another Broken Egg of Florida, Inc.	Cissel Hairston* Botorff	2(d)	Refusal Affirmed		"ANOTHER BROKEN EGG CAFE" (and design) [restaurant services]	"BROKEN EGG" [restaurant services]	A. Hall	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  
September 24-28, 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
9-27	OPP	109,415	E. I. duPont de Nemours and Co. v. duPont Publishing, Inc.	Hohein Hairston* Holtzman	2(d)	Opposition Sustained	"DUPONT" (and other marks incorporating the word "DUPONT") [chemicals, pharmaceuticals, construction materials, paints, measuring instruments, machine parts, adhesives, film, fiber, acids, explosives, pigment, fabrics, laminates, x-ray machines, biomedical devices]; "DUPONT REFINISH RACING" (and design) [clothing, flags, banners, household utensils, mugs, beverage containers and glasses]	"DUPONT REGISTRY" [magazines advertising the goods and services of others featuring a wide variety of collectible, customized luxury services, consumer products and real estate properties; computer services, namely, providing on-line serial magazine featuring collectible, customized luxury services, consumer products and real estate properties provided on-line by means of a global computer information network; promoting the goods and services of others through applicant's magazines and on-line services]; "DUPONT REGISTRY" (and design) [all purpose sport bags; key chains; coffee mugs; t-shirts and caps; golf balls and golf tees]; "DUPONT REGISTRY.COM" [promoting the goods and services of others through advertising via applicant's on-line services, etc.]			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  
September 24-28, 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
9-27	EX	75/586,933	Optonics, Inc.	Simms* Hairston Rogers	2(e)(1)	Refusal Affirmed		"OPTONICS" [capital equipment for the semiconductor manufacturing industry, namely, inspection and test apparatus for measuring the performance characteristics of semiconductors; installation of the above equipment; design, development, and evaluation for the purpose of certification of inspection and test systems for semiconductor manufacturing for others]		Gilbert	No
9-28	EX	75/565,580	Ticket.com	Hanak Quinn Bucher*	Section 6 disclaimer requirement (of term TICKETS.COM" and "1-800-TICKETS")	Refusal Affirmed		"TICKETS.COM 1-800-TICKETS" (and design) [online information services, namely, the provision of information relating to travel via global computer network; online information services, namely, the provision of information relating to shows and other entertainment events via global computer network; online travel agency services, namely, making reservations and bookings for temporary lodging via global computer network]		Baldwin	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  
September 24-28, 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
9-28	EX	75/606,899	Gummi-Jager KG GmbH & Cie	Hohein Chapman Holtzman*	2(d)	Refusal Reversed		"ARTEMIS" (and design) [bowling pins and ninepins]	"ARTEMIS" [archery bows, archery arrows, and archery implements, namely, bow cases, arm guards, targets and quivers]	Ayala	No
9-28	EX	75/686,460	Bristol Hospital	Simms* Chapman Holtzman	2(d)	Refusal Affirmed		"MEDWORKS" (and design) [occupational health services]	"MEDWORKS" (in stylized lettering) [medical services for an insured employee of a company]	Gilbert	No
9-28	EX	75/684,389	U. S. Tsubaki, Inc.	Chapman Bucher* Bottorff	2(e)(1)	Refusal Affirmed		"E-CHAIN" [electronic catalog and ordering software for ordering, purchasing, and tracking industrial roller chain]		Faint	No
9-28	EX	75/704,871	Boley Corp.	Chapman Bucher* Rogers	2(d)	Refusal Affirmed		"LITTLE GOURMET KITCHEN" [plastic toy kitchen playsets]	"LITTLE GOURMET" [children's toys, namely, tea sets, bakeware sets, and cookware sets]	Shih	No
9-28	EX	75/672,371	BP Amoco p.l.c.	Simms* Chapman Bucher	2(d); 2(e)(4)	Refusal Affirmed (on both grounds)		"VISCO" [lubricants for automobiles]	"VISCOLITE" [lubricating oils]	Sauers	No
9-28	EX	75/649,669	Société Martini-quaïse des Eaux de Sources-Somes	Simms* Bottorff Holtzman	requirement for a substitute verification of bona fide intention to use under Rule 2.33(c)	Refusal Affirmed		"CHANFLOR" [spring water, mineral water, and carbonated water]		Eulin	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  
September 24-28, 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
9-28	EX	75/766,264	Lange Uhren GmbH	Simms* Bottorff Rogers	2(d)	Refusal Affirmed		"SAXONIA" [chronometric instruments, namely, watches, parts of watches, and watchbands]	"SAXONY" [jewelry]; "SAXON" [jewelry of precious metals and gems; custom designing of jewelry for others]	Miller	No
9-28	EX	75/717,463	U. S. Lock Corp.	Simms* Walters Rogers	2(d)	Refusal Affirmed		"SECURITY PRO" [metal mechanical locks]	"SECURITY PRO" [security alarm systems, namely, phone programmable hardware or wireless central processing units and associated radio receivers, hardware security modules, digitized communicators, annunciation drivers and energy conservation modules]	Alves	No
9-28	EX EX EX EX EX	75/746,428 75/746,610 75/746,810 75/746,827 75/746,873 75/746,886	Emmpak Foods, Inc.	Simms Bottorff Holtzman*	2(d)	Refusal Affirmed (in all six cases)		"EMMBER" (in stylized lettering), "EMMBER CLASSIC," "EMMBER FOODS INC" (and design), and "EMMBER FOODS" [all four marks for processed meats]; "EMMBER HEAT & SERVE" (in stylized lettering) and "EMMBER HEAT & SERVE" (and design) [both marks for fully cooked protein entrees]	"EMBER FARMS" (and design) [precooked browned pork sausage patties and links sold to restaurant chains, institutions and wholesalers]	Amos	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