

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 25-29, 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
6-26	EX	75/543,197	Atlas Oil Co.	Cissel Quinn Hohein*	2(d)	Refusal Affirmed		"FAST TRACK" [retail store services featuring gasoline and convenience store items]	"J.J.'S FASTRAC" [retail convenience store services]	Axilbund	No
6-26	EX	75/547,155	Vital Processing Services, L.L.C.	Simms* Quinn Bucher (D)	2(e)(1)	Refusal Reversed		"VIRTUALNET" [providing financial information by electronic means]		Corea	No
6-26	EX	75/231,061	Antica Pasteria S.p.A.	Seeherman* Hohein Chapman	2(d)	Refusal Affirmed		"ANTICA PASTERIA" (and design) [pasta, flour, processed cereals, breads, biscuits, cakes, and pastry]	"ANTICO PASTIFICIO" (and design) [pasta]	King	No
6-26	EX	75/696,887	Creative Wraps, Inc.	Quinn Chapman Wendel*	2(d)	Refusal Affirmed		"RAYA SUN" [clothing, namely, girls' and ladies' shorts, tops, dresses and bathing suits]	"RAY SUN" (and design) [clothing, namely, vests, sweaters, jeans, pants, coats, visors, hats, caps, and aprons; sportswear and activewear, namely, t-shirts, shorts, jackets, swimsuits, sweatshirts, sweatpants, tennis wear and shoes]	Robinson	No
6-26	EX	75/162,011	Microvision, Inc.	Quinn Bottorff Drost*	2(e)(1)	Refusal Affirmed		"VIRTUAL RETINAL DISPLAY" [electro-optic image projection devices, namely, devices for projecting an image directly onto the eye]		W. Goodman	No
6-26	EX	75/761,476	Chris Townsend	Simms Cissel Quinn*	2(d)	Refusal Affirmed		"MAP LONDON" (and design) [clothing, namely, t-shirts]	"MAP" [t-shirts]	Krebs	No

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

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6-26	OPP CANC	106,991 27,541	Plymouth Rock Foundation v. Christian Heritage Tours, Inc.	Seeherman Hairston* Bottorff	genericness; whether applicant's marks have acquired distinctiveness under Section 2(f); whether defendant's marks are registrable absent a disclaimer of the words CHRISTIAN HERITAGE	Opposition Dismissed; Petition to Cancel Denied		"CHRISTIAN HERITAGE MINISTRIES" [educational services, namely, seminars, conferences, workshops and classroom instruction, reviving and teaching America's original Christian heritage and history, etc.]; "CHRISTIAN HERITAGE TOURS, INC. [arranging educational, historical and religious travel tours nationally and internationally]			No
6-26	EX (R)	75/508,524	Senior Technologies, Inc.	Quinn* Wendel Drost	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"TABS SELECT" [remote patient position monitors]	"SELECT" [patient monitors]	Hayash	No
6-26	OPP (SJ)	119,030	Lane Ltd. v. Richard D. Merhar	Simms Wendel Holtzman [Opinion "By the Board" (Dunn)]	2(e)(1)	Opposition Sustained (Opposer's motion for summary judgment granted)		"ROLL YOUR OWN" [tobacco]			No
6-29	EX	75/617,396	The Black & Decker Corp.	Quinn Hohein* Hairston	2(e)(1)	Refusal Affirmed		"PIVOT DRIVER" [cordless power operated screwdriver]		Breckenfield	No

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6-29	CANC	24,018	Marco Polo Hotel Management, Ltd. v. Gemini, Inc.	Hairston Wendel* Bucher	nonuse and abandonment	Petition to Cancel Granted		"MARCO POLO'S" [restaurant and bar services]			No
6-29	EX	75/456,659	Tom Koroknay	Cissel Holtzman Drost*	2(e)(4)	Refusal Affirmed		"LYMAN" [boats]		Khan	No
6-29	EX	75/681,024	Seedbiotics, LLC	Hairston Rogers* Drost	2(d)	Refusal Affirmed		"UPSTART" [chemicals for use in agriculture, namely, polymer coatings to improve the longevity and germination of legume seeds]	"UP-START" [fertilizers]	Snapp	No
6-29	EX EX	75/463,242 75/463,291	Gear Int'l. Trading Co.	Quinn Hairston Holtzman*	Section 6 disclaimer requirement (of the word GEAR)	Refusal Affirmed (in both cases)		"GEAR ROLLER HOCKEY" (and design) [sporting goods for ice hockey and roller hockey, namely, skates, protective pads for shoulders and elbows, hard shell gloves for hockey, goal keeper pads, blocker mittens, pucks, sticks, balls, and hockey skate blades; clothing primarily for roller hockey and ice hockey, namely, pants and hockey shell pants worn about body protective pieces, and jerseys, shirts, and boots]		Kon	No

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6-29	EX EX	75/459,796 75/459,797	Gear Int'l. Trading Co.	Quinn Hairston Holtzman*	genericness; inherent distinctiveness of background design for applicant's mark; acquired distinctiveness of applicant's mark under Section 2(f)	Refusal Affirmed (in both cases)		"GEAR" (and background design) [sporting goods for ice hockey and roller hockey, namely, skates, protective pads for shoulders and elbows, hard shell gloves for hockey, goal keeper pads, blocker mittens, pucks, sticks, balls, and hockey skate blades; clothing primarily for roller hockey and ice hockey, namely, pants and hockey shell pants worn about body protective pieces, and jerseys, shirts, and boots]		Kon	No
6-29	EX EX	75/459,687 75/459,793	Gear Int'l. Trading Co.	Quinn Hairston Holtzman*	genericness; inherent distinctiveness of background design for applicant's mark; acquired distinctiveness of applicant's mark under Section 2(f)			"GEAR HOCKEY" (and background design) [clothing primarily for roller hockey and ice hockey, namely, pants and hockey shell pants worn about body protective pieces, and jerseys, shirts, and boots; sporting goods for ice hockey and roller hockey, namely, skates, protective pads for shoulders and elbows, hard shell gloves for hockey, goal keeper pads, blocker mittens, pucks, sticks, balls, and hockey skate blades]		Kon	No

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6-29	EX	75/271,225	Infonxx, Inc.	Simms Wendel Bucher*	2(e)(1)	Refusal Reversed (but applicant required to submit a disclaimer of the word WIRE-LESS)		"WIRELESS PAGES" [telephone directory information services]		W.K. Price	No

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