

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 29 – February 2, 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
1-30	EX	75/409,001	E.E.P.D. Electronic Equipment Produktion & Distribution GmbH	Cissel* Seeherman Chapman	2(d)	Refusal Reversed		"PROFIVE" [many goods in Int. Cl. 9, including computer hardware]	"PRO 5" (and design) and "PRO/5 DATA SERVER" [both marks for computer programs for use in designing applications used in the field of business data processing]; "VISUAL PRO 5" (and design) [computer programs for use in the development of other computer software for use in spread sheeting and business applications]	Gardner	No
1-30	EX	75/188,002	American Bio Medica Corp.	Cissel Hanak* Quinn	whether applicant's mark is registrable on the Supplemental Register	Refusal Reversed		"RAPID DRUG SCREEN" [urine test cards for detecting the presence of narcotics]		Michos	No
1-30	EX	75/408,739	Sheila Atchley	Simms Walters* Holtzman	whether the matter asserted for registration functions as a trademark for applicant's goods or only as the title of a single audio work	Refusal Affirmed		"SWEET DREAMS" (and design) [pre-recorded audio tapes for relaxation and sleep inducement]		Alumit	No

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

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1-30	OPP	113,363	Professional Product Research, Inc. v. Body Balancing Ltd.	Hanak* Bucher Chapman	2(d)	Opposition Sustained	"BODY BALANCERS" [heel insert pads]	"BODY BALANCER" [health care devices, namely, boards for the back for use in therapy and pain relief]			No
1-30	CANC	24,265	Mark R. Newman v. Unlimited Concepts, Inc.	Seeherman Hairston* Chapman	abandonment (as to Reg. No. 1,809,488); ownership and fraud (as to Reg. No. 1,811,017)	Petition to Cancel Reg. No. 1,809,488 Granted; Petition to Cancel Reg. No. 1,811,017 Denied	"GRAFFIX" (and design) [tobacco water pipes and t-shirts]	Reg. No. 1,809,488: "GRAFFIX" (and design) and Reg. No. 1,811,017: "GRAFFIX" (and design) [both marks for smoking pipes]			No
1-31	CANC (SJ)	28,996	Backtrack Reports, Inc. v. Backtrack, Inc.	Hanak Quinn Rogers [Opinion "By the Board" (Omelko)]	2(d)	Petition to Cancel Granted (Petitioner's motion for summary judgment granted)	"BACKTRACK" [background investigation services]	"BACKTRACK" [employment screening and background investigation services]			No
1-31	EX	75/340,358	Red Wing Shoe Co., Inc.	Cissel* Chapman Wendel	2(d)	Refusal Affirmed		"WORX" (and design) [footwear, namely, work boots and shoes, and not utility gloves]	"WERX" [utility gloves made of fabric coated with rubber or similar composition]	Sheffield	No
1-31	EX	75/558,518	Franco Mfg. Co., Inc.	Cissel* Quinn Chapman	2(d)	Refusal Affirmed		"COMPLIMENTS" [bath products, namely, bath towels, hand towels and fingertip towels]	"COMPLIMENTS" [retail store services dealing with home and office furnishings and accessories and personal accessories]	Cady	No

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1-31	EX (R)	75/508,058	Cross Country Paper Products, Inc.	Quinn* Bucher Bottorff	2(d)	Request for Reconsideration Denied [Refusal Affirmed (as to both cited registrations)]		"EXCEL" [plastic gloves to be used once by and thereafter disposed of by dentists]	"EXCEL" [surgical instruments, namely, forceps, graspers, scissors, dissectors, clamps, needles, needle holders, probes, suction and irrigation instruments, trocars, cannulae, and cutting instruments]; "EXCEL DR" [surgical instruments, namely, needles and needle holders]	T. Hardy	No
1-31	EX	74/375,061	Modern Italian Bakery of West Babylon, Inc.	Hanak Wendel* Bucher	2(d)	Refusal Affirmed		"MODERN" (and design) [bread, rolls and bagels]	"LA MODERNA" [macaroni, pasta, spaghetti, cookies and crackers]	Reddick	No
1-31	OPP OPP	103,825 105,490	G-Mar Development Corp. v. Tully's Coffee Corp.	Cissel* Quinn Wendel	2(d)	Opposition Sustained (in both cases)	"TULLY'S" [restaurant services]	"TULLY'S" [retail coffee store services; café services]; "TULLY'S" [coffee]			No
1-31	EX	75/151,569	Cerner Corp.	Hanak Hairston Bottorff*	2(e)(1); 2(d)	Refusal Reversed		"HEALTH FACTS" [computer software for use by healthcare institutions and health care professionals in combining clinical data with claims based billing data and data from public sources]		Smiga	No

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1-31	EX	75/053,459	Briles Rivet Corp.	Walters* Chapman Bucher	de jure functionality	Refusal Affirmed		configuration of a toroidal head of a rivet [rivets]		C. Smith	No
2-1	EX	75/380,362	Healthy's, Inc.	Cissel Hohein* Rogers	2(d)	Refusal Affirmed		"KARMA KULA" [clothing, namely, caps, jackets, overalls, shirts, shorts, sweat shirts, sweat pants, t-shirts, etc.]	"KARMA" [clothing, namely, shorts, pants, shirts, T-shirts, sweat shirts, jackets, coveralls and caps]	Molinoff	No

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