

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
October 29 – November 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
10-29	EX EX	75/538,019 75/538,020	Flexible Resources, Inc.	Bottorff Rogers* Drost	2(d); Section 6 disclaimer requirement (of word RE-SOURCES)	Refusal Reversed (in both cases)		"FLEXIBLE RESOURCES" and "FLEXIBLE RESOURCES" (and design) [both marks for employment counseling and recruitment services]	"FLEXIBLE PERSONNEL" [temporary personnel placement and recruitment services]	Engel	No
10-29	EX	75/194,563	Cadbury Ltd.	Simms* Cissel Seeherman	2(d)	Refusal Affirmed		"YOWIE" [chocolate, chocolates and candy]	"YOWIE" [freezable and frozen confections]	Khan	No
10-29	EX	75/144,439	Petcraft, Inc.	Hanak* Bucher Drost	2(d); whether applicant's amended identification of goods is impermissibly broad, under Rule 2.71(a)	Refusal Affirmed (on both grounds)		"ODORSORB" (in stylized lettering) [cat litter containing a scent modifying additive and scent modifying additives for application to cat litter]	"ODOR-SORB" [minerals in powder or granular form for absorbing odors]	B. Rupp	No
10-29	EX	75/360,949	Baratti Cosmetics GmbH	Seeherman Hohein* Wendel	2(e)(4)	Refusal Affirmed		"BARATTI" [various cosmetics; scented candles; various leather goods and imitation leather goods, etc.; various items of clothing]		Krehely	No
10-29	OPP	108,697	Posi Lock Puller, Inc. v. Swenco Products, Inc.	Wendel Rogers Drost*	2(d)	Opposition Dismissed	"POSI LOCK" [hand-operated gear and bearing pullers]	"POSI-LOCK" [electrical connectors for splicing 8 gauge or smaller stranded wires]			No

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

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10-30	EX	75/477,259	Manhattan Scientifics, Inc.	Cissel Chapman* Drost	2(e)(1)	Refusal Affirmed		"MICROFUEL CELL" [fuel cells and fuel cell tanks for producing electrical energy; fuel cell chemical fuel provided as a unit with the foregoing]		H. Thompson	No
10-30	EX	75/543,877	Boulevard Brewing Associates Limited Partnership	Hanak Walters Drost*	2(d)	Refusal Affirmed		"NUT CRACKER ALE" (and design) [beer, ale, and malt liquor]	"NUTCRACKER" [liqueur]	Feldman	No
10-31	OPP	111,360	Guinness United Distillers & Vintners Amsterdam B.V. v. John D. Lowe	Seeherman* Hohein Hairston	2(d)	Opposition Sustained	"MALIBU" <i>and</i> "MALIBU" (and design) [liqueur; coconut rum]	"MALIBU ICE CREAM" (and design) [ice cream]			No
10-31	EX EX	75/359,288 75/371,972	Palladium Company L.P.	Seeherman Wendel* Holtzman	2(d)	Refusal Affirmed (in both cases)		"PALLADIUM" [leasing, management, and development of retail commercial space] <i>and</i> "PALLADIUM" (in stylized lettering) [leasing, management, and development of retail commercial space, namely, entertainment-enhanced retail developments]	"PALLADIUM INCORPORATED" (and design) [registered investment advisor services for portfolio strategy, asset management, dispositions, acquisitions, investment restructuring, value enhancement, real estate valuation and financing for commercial and residential real estate owners and investors]	Gartner	No

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10-31	EX	75/635,974	Johnson & Johnson	Hairston Chapman Wendel*	2(e)(1)	Refusal Affirmed		"HURT-FREE" [self-adhering tape for use in first aid]		Ririe	No
11-1	EX	75/257,016	Sage Health Management Solutions	Hanak* Walters Wendel	2(d)	Refusal Reversed		"SAGE HEALTH MANAGEMENT SOLUTIONS" [consulting services in the field of health care utilization management using proprietary health care practice guidelines]	"S SAGE (and design) and "SAGE" [both marks for providing nursing home services, assisted living facilities or services, home health care services and senior retirement community services]	Blandu	No
11-1	EX	75/449,323	Brookstone Company, Inc.	Simms Hanak* Bottorff	2(d)	Refusal Affirmed		"THERASPA" [electric massage apparatus, excluding hydrotherapy devices]	"THERASPA" (and design) [hydrotherapy instruction booklets and cards]	R. Kim	No
11-1	CANC	26,649	Cosmair, Inc. v. Jean Alexander Cosmetics, Inc.	Chapman Holtzman Drost*	2(d); laches	Petition to Cancel Denied <i>(but not on the basis of laches)</i>	"SHADES EQ" (and design) [hair care products, namely, shampoos and hair color which are sold to and by professional hair dressers, stylists and salons; charts for matching hair care products with various hair types; swatch rings containing sample hair pieces of various colors]	"EQ SYSTEM" (and design) [hair care preparations, namely, shampoo, conditioner, styling lotion, permanent wave, hair dressing]			No

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