

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 30 – August 3, 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
7-30	EX	75/376,822	Kabbalah Centre Int'l, Inc.	Seeherman* Quinn Bottorff	Section 6 disclaimer requirement (of words THE KABBALAH CENTRE)	Refusal Affirmed		"THE KABBALAH CENTRE" (and design) [educational services, namely, providing seminars and courses on religion and spirituality]		Krehely	No
7-30	EX	75/573,277	Craft House Corp.	Hohein Bottorff Holtzman*	2(d)	Refusal Affirmed		"BUILD N' PLAY" [toy model hobbycraft kits]	"BUILD 'N PLAY" [toy tables, trays and chairs, and geometric shapes, namely, blocks, numbers and letters usable therewith]	Richards	No
7-30	EX	75/709,027	CBS Radio License, Inc.	Cissel* Hanak Rogers	2(d)	Refusal Affirmed		"KMZQ" [radio broadcasting services]	"WMZQ" [radio broadcasting services]	Mandir	No
7-30	EX	75/649,329	Integrated Device Technology, Inc.	Cissel* Hohein Holtzman	2(e)(1)	Refusal Affirmed		"QDR" [semiconductor devices]		Dickinson	No
7-30	EX	75/500,807 <i>(Note: Board's 5-16-01 decision on this appeal was vacated)</i>	Decker Mfg. Corp.	Hohein Chapman* Holtzman	2(d); whether applicant's mark is a "phantom" mark (i.e., whether the application is for more than one mark)	Refusal Affirmed (on both grounds)		"D____" [metal fasteners, namely, nuts and pipe plugs]	"D" [metal studs and nuts]	Bayat	No
7-30	EX	75/914,519	L.C. Licensing, Inc.	Hohein Walters Rogers*	2(d)	Refusal Affirmed		"ELISABETH" [sleepwear, namely, nightgowns, pajamas, sleepshirts, bedjackets and robes designed for women requiring larger sizes]	"ELIZABETH" [women's hosiery]	Belouin	No

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7-30	OPP (SJ)	110,043	Hornblower & Weeks, Inc. v. Hornblower & Weeks, Inc.	Seeherman Wendel Rogers*	2(d); unclear hands affirmative defense	Opposition Sustained (Opposer's motions for summary judgment granted)	"HORNBLOWER & WEEKS" [security brokerage, investment banking and asset management services]	"HORNBLOWER & WEEKS" [investment banking, investment management and brokerage services, namely, public and private underwriting, distribution and placement of corporate, municipal and governmental securities, investment management and counseling services and brokerage of securities and commodities]			Yes
7-31	EX	75/681,974	Steven Hoffer	Simms Hanak Holtzman*	2(e)(1)	Refusal Affirmed		"TRADE FORUM" [providing a private network service for message exchange, featuring private access thereto, and licenses for the use thereof, to host message transmissions among persons or servers for enterprises which seek to exchange, store and forward messages with, or to filter messages from, other enterprises with the aid of a public index used to divide economic activity into commonly known industrial sectors]		Milton	No

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7-31	EX	75/568,548	Advanced Cardio-vascular Systems, Inc.	Cissel Quinn Bucher*	2(d)	Refusal Affirmed		"RX GEMINT" [medical catheters]	"GEMINI" [cardiac pacers]	Hammond	No
7-31	EX	75/687,509	Advanced Cardio-vascular Systems, Inc.	Cissel Bottorff Drost*	2(e)(1)	Refusal Affirmed		"STEELCORE" [medical guide wires]		Rittner	No
7-31	OPP	111,922	Gilbert E. Silva v. Professional Drywallers, Inc.	Simms Bucher* Holtzman	2(d)	Opposition Dismissed	"PLUG-A-HOLE" [kits for repairing holes in walls and doors]	"ERASE-A-HOLE" [handheld drywall plaster applicator stick used to fill holes and cracks in drywall, wood, block, stucco and other cementitious materials]			No
7-31	CANC (SJ)	29,146	Bentwood Television Corp. v. American Theatre Wing, Inc.	Quinn Hairston Rogers [Opinion "By the Board" (Omelko)]	abandonment	Petition to Cancel Denied (Respondent's cross-motion for summary judgment granted)		"TONY AWARDS" [giving of dinners and the making of telecasts in connection with the recognition of distinguished achievement in the theatre]			No
8-1	EX	75/712,224	BTIO Educational Products, Inc.	Simms (D) Chapman*	whether applicant's specimens show trademark use of the matter applicant seeks to register	Refusal Reversed		"SOME DECISIONS LAST A LIFETIME" [educational dolls and printed instructional materials for use with the dolls, all sold as a unit]		Blandu	No

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8-1	EX	75/700,831	bills.com, Inc.	Simms* Hanak Drost	2(e)(1)	Refusal Reversed as to services in Cl. 35 <i>and</i> Refusal Affirmed as to services in Class 36		"BILLS.COM" [Cl. 35: dissemination of advertising for others via an on-line electronic communications network <i>and</i> Cl 36: financial services, namely, providing a website of financial information, including bill presentment and payment information and data]		Santo-martino	No
8-3	EX	75/376,580	Kabbalah Centre Int'l, Inc.	Seeherman* Quinn Bottorff	genericness; 2(e)(1) [whether applicant's mark, if not generic, is registrable under Section 2(f)]	Refusal Affirmed (on the ground that, while not generic, the mark is merely descriptive and has not acquired distinctive-ness)		"KABBALAH CENTRE" [educational services, namely, providing seminars and courses in religion and spirituality]		Krehely	No
8-3	OPP	99,405	Moscow Distillery Cristall v. Simex Aussenhandels-gesellschaft Savelberg KG	Simms Seeherman Walters*	2(d)	Opposition Dismissed	"STOLICHNAYA CRISTALL" and other marks incorporating the word "CRISTALL" [vodka]	"MOSKOVSKAYA CRISTALL" (and design) [vodka originating in Russia]			No

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8-3	EX	75/543,196	Atlas Oil Co.	Seeherman Hanak Bottorff*	2(d)	Refusal Affirmed		"FAST TRACK" [carry-out and self-service restaurant services, provided in connection with retail gasoline supply and convenience store services]	"J. J.'S FASTER" [retail convenience store services]	Axilbund	No

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