

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

April 1-5, 2002

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
4-3	OPP	110,282	Houghton Mifflin Co., Inc. v. George M. Tabb	Hanak Chapman Wendel*	2(d)	Opposition Sustained	“CURIOUS GEORGE” and “CURIOUS GEORGE” (and design) [entertainment services, namely, a television series for children; a series of books for children; and a variety of other goods and services]	“FURIOUS GEORGE” [film, video, and audio recordings featuring musical entertainment; entertainment services, namely, live performances by a musical band]			No
4-3	CANC	28,360	Coffee Express Co. v. Janelco Global, Inc.	Cissel* Seeherman Chapman	2(d); affirmative defense of laches; counterclaim to cancel pleaded registration of mark COFFEE EXPRESS for non-electric coffee pots, on grounds of genericness	Petition to Cancel Granted; Counterclaim to cancel Denied	“COFFEE EXPRESS,” “COFFEE EXPRESS” (and design), “COFFEE EXPRESS COMPANY,” “COFFEE EXPRESS COMPANY WHOLESALE ROASTERS OF FINE SPECIALTY COFFEES” (and design) and other marks containing the words “COFFEE EXPRESS” [all marks for coffee and coffee beans]; “COFFEE EXPRESS” [non-electric coffee pots]	“COFFEE EXPRESS” (and design) [shelf-stable liquid coffee concentrate and powdered coffee]			No
4-3	EX	75/555,194	Sharp Kabushiki Kaisha	Cissel* Chapman Wendel	2(e)(1)	Refusal Affirmed		“CONTINUOUS GRAIN SILICON” [liquid crystal display panels]		Fink	No
4-3	EX	75/690,891	Dough-makers, LLC	Wendel* Bucher Rogers	2(d)	Refusal Affirmed		“DOUGHMAKERS” [pre-prepared dry food mixtures used to make bakery goods]	“DOUGHMAKER” [chemical for use in the baking industry to improve the quality of bread]	Krebs	No

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

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4-3	EX	75/934,127	Europeenne de Produits de Beaute	Simms Cissel* Holtzman	2(d)	Refusal Affirmed		"NUTRIACTIVE" [facial scrub, make-up remover, skin toner, astringent, moisturizing cream, lotions and gels, anti-wrinkle cream, skin toners and astringents, skin cleansers, make-up remover]	"NUTRI -ACTIVES" [herbal concentrates for dietary supplement; vitamin supplements of herbal or organic compounds]	Tolpin	No
4-3	EX	76/000,318	Diane B. Coffey	Cissel Hairston Bottorff*	2(d)	Refusal Reversed		"RETRIEVER WORLD" [computerized on-line ordering services, catalog services, and retail store services featuring sporting goods, namely, hunting, fishing, and animal training equipment]	"RETRIEVER" [bowfishing reels]	Buongiorno	No
4-3	EX	75/828,354	AxReg	Chapman Bucher* Rogers	2(e)(1)	Refusal Affirmed		"AXREG.COM" [guitar registration services via a global computer network, namely, assignment of guitar identification numbers to deter theft]		B. Rupp	No
4-3	EX	75/649,509	Northwest Tire Factory Group, L.P.	Hanak Bucher* Rogers	whether applicant's specimens show use of its mark as a collective membership mark	Refusal Affirmed		"TIRE FACTORY" [collective membership mark indicating membership in an association of retail service stores featuring products obtained through applicant, namely, automotive and truck tires, wheels, brakes, shocks, struts, batteries and related accessories]		Clyburn	No

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4-3	EX	76/023,196	VisualGold.com, Inc.	Cissel Wendel* Bucher	2(d)	Refusal Affirmed		"IMAGIST" [computer programs for use in enhancing and compressing electronic images transmitted via a global computer network]	"IMAGIST" [computer hardware and software imaging processing and analyzing system, namely, work station, interface electronics, disk drives, optical disk drives, and image input devices including cameras and monitors for use with light and electron microscopy]	Regan	No
4-3	EX	75/496,422	Best Software, Inc.	Simms* Seeherman Chapman	Section 6 disclaimer requirement (of the word BEST)	Refusal Affirmed		"BEST! IMPERATIV HRMS" [computer software for human resource, payroll, W-2 and tax processing and employee management]		Spils	Yes
4-3	EX	75/793,886	Cordis Corp.	Seeherman Walters* Holtzman	2(e)(1)	Refusal Affirmed		"CUSTOMCATH" [designing specialized catheters for others and to specific customer needs]		Estrada	No
4-3	EX (R)	75/702,714 75/702,715	Sterling Vision, Inc.	Chapman* Bucher Rogers	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed as to both applications)		"NATIONAL CONTACTS.COM" and "NATIONAL CONTACT LENSES.COM" [both marks for on-line retail store services, mail order services, and retail stores featuring contact lenses, eyeglasses and accessories]		R. McMorrow	No
4-5	EX	75/847,054	Matsushita Electric Corp. of America	Chapman* Bucher Bottorff	2(e)(1)	Refusal Affirmed		"PUREFLAT" [television monitors]		Borsuk	No

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4-5	EX (R)	75/650,428	Huck Int'l., Inc.	Simms Walters Drost*	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"AL" [threaded metal fasteners, namely, nuts and bolts]		Stine	No
4-5	EX	75/604,187	Alsius Corp.	Hairston Chapman* Rogers (D)	2(e)(1)	Refusal Reversed		"COOL LINE" [surgical devices, namely, catheters]		K. Williams	No
4-5	EX	75/877,999	SPX Corp.	Seeherman* Holtzman Drost	2(e)(1); whether applicant is obliged under Rule 2.61 to provide requested information; whether applicant's identification of goods is acceptable	Refusal Affirmed (on 2(e)(1) and Rule 2.61 grounds only)		"E-AUTODIAGNOSTICS" [electronic engine analysis system comprised of a hand-held computer and related computer software]		Wahlberg	Yes

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