

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 2-6, 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
9-4	EX	75/923,574	MS Artist Products, Inc.	Seeherman* Hairston Rogers	2(d)	Refusal Affirmed as to Class 9; Refusal Reversed as to Classes 16 and 41		"DREAMS COME TRUE" [series of pre-recorded phonograph records, audio tapes, video tapes and CDs featuring music (in Class 9); posters, unmounted photographs and paper featuring coasters (in Class 16); entertainment, namely, live performance by a musical group (in Class 41)]	"DREAMS COME TRUE PRODUCTIONS" [production and distribution of documentaries, fiction and non-fiction children's videos]	Cataldo	No
9-4	EX	75/687,474	Nygard Inc.	Seeherman* Hanak Hohein	2(d)	Refusal Affirmed		"ALLISON & CO." [women's clothing, namely, jackets, skirts, blouses, pants, leggings, shorts, pant suits, shirts, camp shirts, coats, sweaters, pullovers, cardigans, tunics, housecoats, jump suits, gilets, jeans, t-shirt s, t-tops, vests, tank tops, knit tops, culottes and suits]	"ALLYSON SAN FRANCISCO" [clothing, namely, dresses, skirts, blouses, skorts, shorts, shirts, pants, jackets, sweaters, vests and jumpsuits]	Baird	No
9-4	OPP	109,322	Together Again Video Productions, Inc. v. Cambridge House, Ltd.	Hohein Chapman Bucher*	2(d)	Opposition Sustained as to all four classes of the application	"BILLY BIGGLE" [toys, namely, plush soft sculpture toys]; "THE BIGGLES," "BILLY BIGGLE," and "RUBY BIGGLE" [character names featured in a children's music television show and on videotapes; "THE BIGGLES" [music books]	"CAPTAIN BIGGLES" [children's story books and coloring books (in Class 16); tote bags and athletic bags (in Class 18); clothing, namely, t-shirts (in Class 25); and toys, namely, plus soft -sculpture bears and clothing for the same, and toy airplanes (in Class 28)]			No

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

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9-4	OPP	123,203 (SJ)	American Century Services Corp. v. Vista Investment Advisors LLC	Quinn Bucher Bottorff*	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"VISTA" [mutual fund brokerage, distribution and investment services]	"VISTA FINANCIAL STRATEGIES" [providing financial services, namely, estate planning, retirement planning, and general financial planning; financial investment in the field of securities; life and medical insurance underwriting]			No
9-4	EX (R)	75/553,426	Martin Container, Inc.	Simms Cissel* Hanak	genericness (whether applicant's mark is registrable on the Supplemental Register)	Request for Reconsideration Denied (Refusal Affirmed)		"CONTAINER.COM" [retail store services and retail services offered via telephone featuring metal shipping containers; rental of metal shipping containers]		Baldwin	No
9-4	EX (R)	75/709,532	Tower Tech, Inc.	Seeherman Walters Chapman*	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"SMARTTOWER" [commercial and industrial cooling towers and accessories therefor, sold as a unit]		E. Martin	No
9-4	EX	75/493,928	American Medical and Life Insurance Co.	Hohein Bucher* Bottorff	2(d)	Refusal Affirmed		"SECURITY DENTAL PLAN" [underwriting insurance for pre-paid dental care]	"SECURITY HEALTH PLAN" (and design) [underwriting insurance for pre-paid health care, <i>etc.</i>]	Smiga	No
9-4	EX	75/732,837	Schering Aktiengesellschaft	Seeherman Hairston Bucher*	2(e)(1)	Refusal Reversed		"WOMEN'S LIFE STAGES" [educational services, namely, providing classes, seminars, conferences, workshops, and the like, in the field of female health care]		Waters-Perez	No

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9-5	EX	76/040,164	Concurrent Technologies Corp.	Hanak Quinn Bottorff*	2(d)	Refusal Affirmed		"CTC" (and design) [providing multiple user access to a global computer network; providing network, frame relay and asynchronous transfer mode connections for data transfer]	"CTC" (in stylized design format) [telecommunications services, namely, local and long distance telephone services for individual and businesses and voice messaging services]	Chicoski	No
9-6	OPP	109,511	Electric Lightwave, Inc. v. Electric Lite, Inc.	Cissel* Hanak Hairston	2(d)	Opposition Dismissed	"ELECTRIC LIGHTWAVE" [telecommunications services]	"ELECTRIC LITE" [brokerage services in the field of electricity distribution]			No
9-6	EX	75/598,432	Tele Danmark A/S	Cissel* Seeherman Hairston	2(d)	Refusal Affirmed		"DUÉT" [telecommunications services, namely, personal and business communications services; telephone and telegraph communications services; communications services, namely, facsimile transmissions, radio and television broadcasting, including through cable television, broadcasting programs via a global computer network; delivery of messages and pages by electronic transmission; leasing of telecommunications apparatus, including telephony apparatus]	"FAST PACKET DUET ADVANTAGE" [telecommunications services, namely, the electronic transmission of radio, voice, and data; switched multi-megabit data services (SMDS); and exchange access frame relay services (XA-FRS)]	Benzmiller	No

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9-6	OPP	116,554	Adobe Systems Inc. v. Acro Software, Inc.	Hairston Chapman Holtzman [Opinion "By the Board" (Wellington)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	<i>a family of marks, including: "ACROBAT," "ADOBE ACROBAT," "ACROFORM," and "ACROBAT FORMS" [all four marks for computer programs in the field of electronic document storage, manipulation, transfer and retrieval]; "ACROBAT EXCHANGE" [computer software for the creation, storage, manipulation, conversion, transmission, transfer, retrieval, viewing, printing, editing and annotation of documents]; "ACROBAT CAPTURE" [page recognition and rendering computer program]; "ACROBAT READER" [computer software for page recognition and rendering for use in viewing, printing, navigating, editing, annotating and indexing electronic documents, etc.]; "ACROBAT" [computer software technical support services, etc.]</i>	"ACROFORM" [computer software for processing electronic format forms]			No

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