

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**May 6-10, 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
5-7	EX (R)	75/845,318	Pacific Telecard	Hairston Chapman*	2(d)	Request for Reconsideration Denied (Refusal Affirmed as to all five cited Registrations)		"PACIFIC PHONE CARD" [telephone calling cards, not magnetically encoded]	5 cited registrations, all owned by the same entity: "PACIFIC TELEPHONE" [telephone communication services and consulting services in the telecommunications field]; "PACIFIC BELL WORLDWIDE CALLING CARD," "PACIFIC BELL BUSINESS ONE NUMBER CARD," "PACIFIC BELL ONE NUMBER CALLING CARD," and "PACIFIC BELL WORLDWIDE BUSINESS CALLING CARD" [all four marks for telephone calling card services]	E. Perkins	No
5-7	OPP	115,544	UNOVA, Inc. v. Z-Flex (U.S.), Inc.	Seeherman Hanak* Chapman	2(d)	Opposition Sustained	"UNOVA" [automated manufacturing, machining, and assembly lines for the automotive and other high volume manufacturing industries, and other goods]	"U-NOVA" [metal industrial duct and hose products, namely, hoses, ducts, pipes, joints and connectors; non-metallic industrial duct and hose products, namely, hoses, ducts, pipes, joints and connectors manufactured from plastic, rubber and fabric]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
May 6-10, 2002 (continued)**

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
5-7	OPP	110,688	Choice Hotels Int'l., Inc. v. Frank Sutelan	Quinn Chapman* Wendel	2(d); whether applicant had a bona fide intent to use its mark at the time it filed its application to register	Opposition Sustained (under Section 2(d) only)	“SLEEP,” “SLEEP INN,” “SLEEP INN” (and design), “THE SLEEP INN CHOICE,” “1-800-62-SLEEP,” <i>and</i> “WAKE UP! GO TO SLEEP” [ <i>all marks for</i> hotel and motel services]; “FREQUENT SLEEPER” [hotel and motel services featuring a benefit award program for use of hotels and motels]; “SLEEP – SLEEP LEADERSHIP EDUCATIONAL ENHANCEMENT PROGRAM” (and design) [educational services, namely, conducting seminars and classes in the field of hotel management]	“SLEEPERS” [hotel and motel services, namely, providing temporary lodging in transportable sleeping compartments]			No
5-7	EX	76/015,611	Pacific Coast Feather Co.	Simms Cissel* Bucher	2(d)	Refusal Reversed		“TRUWEAVE” [bed sheets]	“TRUWEAR” [fabrics in the piece, composed of cotton, linen, wool, rayon or nylon fibers, or mixtures of any of the said fibers; bedspreads, sheets, pillow cases, blankets, cotton sheeting, and cotton platform velour in the piece]	Gleason	No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration  
(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
May 6-10, 2002 (continued)**

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
5-7	CANC	26,043	Woodfin Suite Hotels, LLC v. The Marcus Corp.	Simms* Hohein Bottorff	2(d)	Petition to Cancel Denied	"WOODFIN" and "WOODFIN SUITES" (in design format, incorporating the letter "W") [both marks for hotel services]	"WOODFIELD SUITES" (and design) [hotel/motel services]			No
5-7	EX	75/565,398	Savin Corp.	Quinn Hohein* Bottorff	Section 6 disclaimer requirement (of the word NET)	Refusal Affirmed		"SAVIN NET" [computer software system for processing parts and supplies orders via a real-time on-line system, namely, software generating a graphical user interface that is downloadable by customers for use in communicating with the vendor; computerized on-line ordering services in the field of office machinery and equipment]		Aikens	No
5-9	OPP	111,332	King Bio Pharmaceuticals, Inc. v. King Pharmaceuticals, Inc.	Seeherman* Wendel Drost	2(d); affirmative defense asserting opposer's mark is primarily merely a surname and not distinctive as a trademark for opposer's goods	Opposition Sustained	"KING BIO PHARMACEUTICALS" [non-prescription homeopathic remedies]	"KING PHARMACEUTICALS," "KING" (and design), and "KING PHARMACEUTICALS" (and design) [all three marks for pharmaceuticals for human and veterinary use, namely, morphine, codeine, and related injectables; cough syrup, antihistamines, decongestants, dermatological preparations, and vitamins]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration; (2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
May 6-10, 2002 (continued)**

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
5-9	EX	75/931,500	Wyndham IP Corp.	Cissel Hohein Drost*	Section 6 disclaimer requirement (of the word WIRED)	Refusal Affirmed		"WYNDHAM WIRED" [hotel services, namely, offering high-technology room furnishings upgrades to business travelers]		G. Clark	No
5-10	EX	75/497,959	Savane Int'l. Corp.	Hanak Hairston Drost*	2(d)	Refusal Affirmed		"180" (and design) [slacks, jeans, shorts, shirts, skirts, socks, knit tops, knit bottoms, dresses, jackets, vests, belts, and hats sold through department stores and discount stores]	<i>2 cited registrations owned by the same entity:</i> "ONEIGHTY" (and design) <i>and</i> "ONEIGHTY" (and design incorporating the numbers 1, 8, and 0") [ <i>both marks for clothing, namely, shirts, t-shirts, sweatshirts, baseball caps, socks, and jackets, etc.</i> ]	Krebs	No
5-10	EX	75/605,751	Endonetics, Inc.	Hohein* Chapman Holtzman	2(d)	Refusal Affirmed		"ENDONETICS" [diagnostic and therapeutic medical devices for the treatment of gastrointestinal disease]	"ENDONET" [computer system, namely, a video processor, computer peripherals and multiple task server unit for use in medical applications]	Sweeney	No
5-10	EX	76/162,482	Food Depot, Inc.	Hanak* Quinn Hohein	2(d); whether applicant's identification of goods is acceptable	Refusal Reversed		"FOOD DEPOT OF NEW YORK" [wholesale distributorship featuring the sale of food and quantities of food for the restaurant market]	"FOOD DEPOT" [retail food store services]	Strzyz	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
May 6-10, 2002 (continued)**

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
5-10	OPP	113,043	Kellogg Co. v. The Green Turtle Bay Vitamin Co., Inc.	Cissel* Hanak Hohein	2(d)	Opposition Dismissed	sun design mark [ <i>registered for</i> : cereal-derived food product to be used as a breakfast food, snack food or ingredient in making food]; a different sun design mark, for which opposer has 2 registrations [ <i>one registration for</i> : processed cereal for use as a breakfast food, snack food and ingredient for making confections and baked goods; <i>and the other registration for</i> : entertainment services, namely, participating in professional auto races]	"SUNNIE" (and sun design) [vitamin/mineral/herbal supplements]			No
5-10	OPP (SJ)	121,583	Callaway Vineyard & Winery v. Endsley Capital Group, Inc.	Seeherman Hohein Bottorff [Opinion "By the Board" (Lykos)]	2(e)(1)	Opposition Sustained (Opposer's motion for summary judgment granted)		"COASTAL WINERY" [varietal wines]			Yes

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration  
(2) \*=Opinion Writer; (D)=Dissenting Panel Member