

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 7-11, 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 |
|-------------|-----------------|-------------------------|--------------------------------------|--------------------------|---------|--|--|--|--|--------------------|------------------------------|
| 10-9 | OPP | 113,611 | Kellogg Co. v. Dorothy Cullars Waugh | Cissel Seeherman* Hohein | 2(d) | Opposition Sustained (on both grounds) | "SMART START" [cereal-derived food product to be used as breakfast food, cereal bar, snack food or ingredient for making food] | "SUPER START" [mixed whole grain breakfast cereal] | | | No |
| 10-9 | EX | 75/894,932 | Horizon Pharmaceutical Corp. | Simms* Walters Bottorff | 2(d) | Refusal Affirmed | | "FIRST HORIZON PHARMACEUTICAL" [prescription pharmaceutical preparations for humans, namely, pain medications, chelating agents, antihistamine-decongestants eardrops, expectorants, liquid antitussives, sustained-release medications for treating heart rhythm disorders, synthetic anticholinergics, preparations for treating cardiology conditions, preparations for treating gastroenterology conditions, preparations for neurology conditions and preparations for treating women's health] | "HORIZON" [vitamins, dietary herbal supplements and nutritional supplements] | B. Rupp | No |
| 10-8 | EX | 75/862,400 | Lynk Systems, Inc. | Seeherman* Quinn Drost | 2(e)(1) | Refusal Affirmed (but application will go forward with 2(f) claim) | | "LYNK" [electronic funds transfer services] | | Coleman | 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
October 7-11, 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 |
|-------------|-----------------|--------------------------|------------------------------|---------------------------------|---------|----------------------------------|--|---|--|--------------------|------------------------------|
| 10-8 | EX | 76/016,938 | Team Health, Inc. | Hanak* Walters Drost | 2(d) | Refusal Reversed | "ACCESS NURSE" [physician referral services; providing health care information by telephone by means of a triage service and scheduling services for persons to attend health-related classes offered by hospitals, clinics, and health care providers] | "ACCESS NURSING SERVICES" (and design) [providing nursing personnel to render health care services to patients, excluding educational, counseling, psychological, or consulting services provided to, or related to, the professional and personal development of health care professionals] | | Browne | No |
| 10-8 | EX | 75/851,085 | Gi-Go Toys Factory, Ltd. | Seeherman* Hohein Walters | 2(d) | Refusal Affirmed | | "BABY TUBBY" [dolls and doll accessories] | "TUBBY" (in stylized lettering) [doll making kits <i>and other goods</i>] | Horrall | No |
| 10-10 | EX | 75/643,321 | Northland Seed & Grain Corp. | Seeherman Hanak Walters* | 2(d) | Refusal Affirmed | | "NORTHLAND SEED & GRAIN" [agricultural soybean seeds and unprocessed grains for consumption; wholesale distributorship featuring oils, agricultural seeds and unprocessed grain for consumption; brokerage in the field of oils, agricultural seeds and unprocessed grain] | "NORTHLAND" [seeds] | Adkins | No |
| 10-10 | EX EX | 75/932,518 75/932,519 | TRM Corp. | Cissel Walters* Chapman | 2(e)(1) | Refusal Affirmed (in both cases) | | "IATMGLOBAL" <i>and</i> "IATM" [both marks for automated teller machine services] | | Alt | No |
| 10-10 | EX | 76/264,699 | Social Work P.R.N. | Quinn Hohein Walters* | 2(d) | Refusal Reversed | | "SOCIAL WORK P.R.N." [temporary employment agency in the field of social work] | "NURSES PRN" <i>and</i> "PRN" [both marks for temporary nursing services] | Carroll | 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
October 7-11, 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 |
|-------------|-----------------|-------------------------|---|----------------------------|--|---|--|---|---|--------------------|------------------------------|
| 10-10 | EX | 75/752,279 | Simple.Com, Inc. | Hairston Bucher* Drost | whether applicant's recitation of services is sufficiently definite; whether applicant must appoint a domestic representative; 2(e)(1) | Refusal Affirmed, but only on grounds of failure to appoint a domestic representative and 2(e)(1) | | "SITE ENGINE" [computer services, namely, providing online content retrieval services for obtaining data on a global network] | | Mattessich | No |
| 10-11 | EX (R) | 75/493,928 | American Medical and Life Insurance Co. | Hohein Bucher* Bottorff | 2(d) | Request for Reconsideration Denied (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 |

(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
October 7-11, 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 |
|-------------|-----------------|-------------------------|----------------------------------|-----------------------------|-------|------------------|--|---|---|--------------------|------------------------------|
| 10-11 | EX | 75/939,506 | Island Entertainment Group, Ltd. | Cissel Seeherman* Hohein | 2(d) | Refusal Affirmed | | "ISLAND ENTERTAINMENT" [motion picture production and distribution in all media; entertainment, namely, preparation of motion picture special effects; rental of motion pictures; screenplay writing services; pre-production and post-production of motion pictures; movie theater services; entertainment in the nature of a film festival; casino services; production of motion pictures for incorporation into video-on-demand, interactive media, digital video, digital interactive games, streaming media and for distribution via a global computer information network or other electronic communication networks] | <i>2 cited registrations, owned by the same entity:</i> "ISLAND PICTURES" and "ISLAND PICTURES" (and design) [both marks for motion picture production and distribution, home video production and distribution, and syndication of films for commercial television] | Griffin | 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