

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 11-15, 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
2-12	OPP	112,571	Magno-Humphries Laboratories, Inc. v. Leiner Health Products Inc. and Leiner Health Services Corp.	Hohein Chapman* Bottorff	2(d)	Opposition Sustained	"OPTIMUM" [dietary and nutritional supplements]	"OPTIMUM SOURCE" [vitamins and dietary food supplements]			No
2-12	EX	75/153,801	Stephanie M. Fredericks	Seeherman Walters* Bottorff	2(d)	Refusal Affirmed		"FLORENA" [toiletries, namely, non-medicated creams for face, hands, body and feet, personal deodorants, non-medicated shampoo and conditioner]	"FLORENE" [perfume and cologne, skin soaps, essential oils for use in manufacturing cosmetics and perfume, and cosmetics, namely, foundation make-up, blushes and eyeliners]	Tambourino	No
2-13	EX	75/848,515	Accu-fit Clubfitting Inc.	Cissel Seeherman Chapman*	2(e)(1)	Refusal Reversed		"SWING COEFFICIENT" [services in the area of fitting golf clubs for individuals]		L. Thompson	No
2-13	EX	75/894,470	Tone Products, Inc.	Seeherman* Hohein Hairston	2(d)	Refusal Affirmed		"PIT BOSS" [steak sauce and barbecue sauce]	"PIT BOSS" [restaurant and pub services]	Bullock	No
2-13	EX	75/464,801	Gary R. Johnson	Hanak Hairston Bucher*	whether the applicant's identification of goods is acceptable	Refusal Affirmed		"GLIDETEXT" [printed text that may be used in all types of printed materials; electronic text that may be used in all types of electronic publications]		Blohm	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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
February 11-15, 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
2-14	EX	75/305,675	Conga Investments, Inc.	Cissel* Wendel Rogers	2(e)(1)	Refusal Affirmed		"STRESS MINTS" [homeopathic tablets to care for common day stresses on energy, digestion, nerves and emotions]		B. Rupp	No
2-14	EX	75/876,193	Eldorado Resorts LLC	Cissel* Bucher Drost	2(d)	Refusal Affirmed		"BUBINGA" [casino services; nightclub services and bar and restaurant services]	"BUBINGA" [clothing, namely, shirts, sweat shirts, pants, sweaters, jackets and shorts; headwear, namely, hats, beanies and caps; footwear, namely, tennis shoes, sneakers and boots]	Toplin	No
2-14	EX	75/702,714 75/702,715	Sterling Vision, Inc.	Chapman* Bucher Rogers	2(e)(1)	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
2-14	EX	75/814,403	Industrial Vacuum Systems, Inc.	Seeherman* Chapman Drost	Section 6 disclaimer requirement (of the word CARPET); 2(d)	Refusal Affirmed on both grounds and as to both cited registrations		"CARPET WIZARD" [carpet cleaning equipment, namely, shampooer, spot remover, and vacuum cleaner]	"STEAMWIZARD" and "DIRT WIZARD" [both marks for vacuum cleaners for domestic use and for industrial use, and vacuum cleaner attachments, namely, brush attachments and squeegee attachments sold together as a unit]	W. Goodman	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  
February 11-15, 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
2-14	EX	75/550,779	Primos, Inc.	Holtzman Rogers Drost*	whether applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed		"HUNTING CALLS" [game calls]		Salemi	No
2-14	EX	75/199,600	Palladium Books, Inc.	Seeherman* Hairston Rogers	2(d)	Refusal Affirmed		"CYBER-KNIGHT" [role playing game equipment in the nature of game book manuals]	"CYBERKNIGHT" [entertainment services, namely, a continuing children's show distributed over television, cable, satellite, radio and global computer information networks; electronic publishing services, namely, publishing of text and graphic works of others on CD-ROMs featuring children's entertainment; production and distribution of motion pictures, publication of books and magazines, television show production and programming, and videotape production; motion picture films featuring adventure stories]	Charlon	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