

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
November 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
11-8**	EX	75/688,861	Naeem Khalid	Simms Hohein Drost*	2(d)	Refusal Affirmed		"SAM'S FOOD STORES" (and design) [convenience store services featuring food and non-alcoholic beverages]	"SAM'S" and "SAM'S" (and design) [ <i>both marks for</i> retail wine, liquor, and beverage store services]	N. Clarke and C. Clayton	No
11-13	EX	75/844,706	University of Washington	Cissel Walters Chapman*	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Reversed		"RESEARCHCHANNEL" [video storage media containing video programs relating to academic, business, and scientific research, namely, prerecorded video tapes, compact discs, laser discs, DVDs, and memory cards]		Gilbert	No
11-13	CANC	31,688	Robert J. Glovsky v. Richard A. Shaffer	Hanak* Walters Chapman	whether registrant owned the registered mark at the time he applied to register it	Petition to Cancel Granted		"THE MONEY EXPERTS" [entertainment services, namely, providing a radio program in the field of finance, investments and real estate issues]			No
11-13	EX	75/702,771	Eric Jacobson	Seeherman* Chapman Holtzman	2(d)	Refusal Affirmed		"IMPACT PHOTOGRAPHY" [professional photography services, namely, customized individual photographic portrait and portfolio services exclusively for athletes, namely, fitness and physique photography and athletic model photography]	"IMPACT" [lithographic prints of photographs]	Gleason	No

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

\*\*Inadvertently omitted from the Summary of Final Decisions issued for the week of November 4-8, 2002

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11-13	OPP	122,201	Mariah Media, Inc. v. Kevin J. Carnahan	Cissel Seeherman* Walters	2(d)	Opposition Dismissed	<p>“OUTSIDE” [recreational magazine issued from time to time]; “OUTSIDE ONLINE” [interactive electronic information services regarding outdoor sports and recreation] <i>and</i> [leasing access time to a computer database in the nature of a computer bulletin board in the field of outdoor sports and recreation]; “OUTSIDE BOOKS” [book imprint and publications, namely, books relating to outdoor sports, travel and recreation]; “OUTSIDE” [on-line services on a global computer network, namely, retail store services featuring outdoor sporting equipment and apparel and providing for the purchase of transportation arrangements as part of adventure packages]; <i>and several other marks incorporating the word “OUTSIDE” for a variety of other services</i></p>	<p>“GO OUTSIDE AND PLAY” [publications, namely, books, calendars, brochures, guide books, instructional guides and reference guides in the field of outdoor recreation; providing information services in the subject of outdoor recreation via a global computer network]</p>			No

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11-13	EX	76/127,919	The Butcher Co. Inc.	Seeherman* Hanak Rogers	2(d)	Refusal Affirmed as to both cited registrations		"GREAT WHITE" [mold and mildew removing and tile and grout cleaning compound]	2 cited registrations, owned by different entities: "GREAT WHITE" [marine cleaning preparations, namely, wash and wax, bug and tar removers, and streak removers] and "GREAT WHITE FINISH MOP" (and design) [mops for cleaning or applying finish or other products to walls or floors]	Hall	No
11-14	EX	75/807,555	Plan-A-Day Enterprises, Ltd.	Cissel Seeherman* Hanak	2(e)(1); whether applicant's mark has acquired distinctiveness under Section 2(f); genericness	Refusal Affirmed (on all grounds)		"DAILY PLANNER" [mail order catalog services and computerized on-line retail services, both featuring stationery and related gift items, especially desk accessories, globes, atlases, travel clocks and timepieces]		R. McMorro	No
11-14	EX	75/848,492	Panera, Inc.	Hanak Bucher* Holtzman	whether the matter applicant seeks to register functions as a service mark for its recited services	Refusal Affirmed		"YOU PICK TWO" [restaurant services]		Collins	No

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11-14	EX	75/876,067	Paragon AG	Hairston Bucher* Bottorff	2(d)	Refusal Affirmed as to both cited registrations		"PARAGON" [outside air sensors for motor vehicles and electronic controls for motor vehicles for controlling fresh air quality as a function of the air quality, and parts therefor; UV-ozone generators and corona-ozone generators for air-ozonization units for motor vehicles and buildings; air filters and air conditioning units for buildings and motor vehicles]	2 cited registrations, owned by the same entity: "PARAGON REPRODUCTIONS" (and design) [a full line of mechanical engine parts for automobiles; a full line of structural parts for automobiles] and "PARAGON VINTAGE" [automotive engine replacement parts, namely, engine pulleys, air filters, oil filters, exhaust manifold, crank case vent tubes, carburetor gaskets, radiator caps, chokes, molded crank case hoses, molded radiator hoses, fuel lines; automotive replacement parts, namely, mirrors, wheel trim, hood latches, shift boots, luggage racks, windshield wipers, grills, bumpers, clutches, pre-formed and/or fitted brake lines, pre-formed and/or fitted transmission lines]	Gardiner	No

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11-14	EX	75/771,324	Hytex Industries, Inc.	Simms (D) Hairston Bucher*	2(d)	Refusal Reversed		"HYTEX" [decorative vertical textiles, namely, wallcoverings sold to the commercial interiors market sold through a distribution network of professionals who are with interior designers, facility managers and contractors]	"HITEX" [woven goods and textiles, namely, covering textile for use on furniture, pillows, curtains, textile household products, tablecloths and bed linen and sheets]	Chicoski	No

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