

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
September 16-20, 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
9-17	EX	75/899,518	Ruffin Gaming, LLC	Hohein* Walters Bucher	2(e)(1)	Refusal Affirmed		"COIT TOWER" [entertainment services, namely, live performances by a musical band, amusement arcades, casino services, theatrical performances, vaudeville and comedy performances; hotel services, restaurant services, nightclub services, café services and providing convention facilities]		Blandu	No
9-17	CANC	25,538	Philthy McNasty's Sports Tap & Grill, Inc. v. Filthy McNasty	Cissel Bottorff*	abandonment	Petition to Cancel Denied	"PHILTHY McNASTY'S" and "PHILTHY McNASTY'S SPORTS TAP & GRAND SLAM GRILL" [both marks for restaurant and bar services]	"FILTHY McNASTY'S" [cabaret services]			No
9-17	EX	75/615,079	Engelhard Corp.	Simms Quinn* Holtzman	2(d)	Refusal Affirmed		"PORTFOLIO" [printed merchandising aides used in connection with the display/adv ertising of architectural coatings, namely, color strips, color cards, color fan decks, formulation guides, and designer/architect kits, namely, binders, color sheets, and color strips]	"PORTFOLIO COLLECTION" [interior and exterior paints, stains, and varnishes]	Benzmiller	No
9-18	EX	76/047,170	Krinos Foods, Inc.	Hohein* Bucher Bottorff	2(d)	Refusal Affirmed		"TWISTIES" [tubular rolled-wafer cookies containing a cream-based filling, but excluding corn base or cheese flavored products]	"TWISTEES" (in a design format) [deep fried, baked, roasted or toasted cheese flavored corn meal product in puffed form]	M. O'Lear	No

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9-18	EX	78/023,396	SmithKline Beecham Corp.	Seeherman Bucher Drost*	2(d)	Refusal Affirmed		"CASEY" [health care analysis services, namely, providing employers and managed care organizations information on health care costs associated with asthma and on cost savings associated with treatments for asthma, by using actuarial models to estimate direct medical costs and lost productivity costs due to asthma; health care consultation services]	"CASEY" [educational services, namely, providing classes, seminars, and training in the field of health care; medical search services and health care services]	Borsuk	No
9-19	EX	76/029,166	Citizen Tokei Kabushiki Kaisha	Simms Hanak* Hairston	Section 6 disclaimer requirement (of the words ASSEMBLING CENTER)	Refusal Affirmed but only as to the requirement for disclaimer of the word ASSEMBLING		"CITIZEN ASSEMBLING CENTER" (in stylized lettering) [manufacturing machines, especially for the electrical and electronic industries, namely, automotive assembling machines, electrical and electronic parts, automatic inserting and connecting machines, parts and components orienting and feeding machines, industrial robots and parts for the aforesaid goods]		K. Le	No
9-19	EX	76/128,435	RIFOCS Corp.	Simms Walters* Holtzman	2(e)(1)	Refusal Affirmed		"FIBERTOOLS" [fiber optic test equipment, namely, power meters; light sources, namely, light emitting diodes and lasers not for medical use, attenuators, and accessories therefor, namely, adapters]		Micheli	No

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9-19	OPP	118,770	ISCAN Inc. v. DVDO, Inc.	Quinn Bottorff* Drost	2(d)	Opposition Dismissed	"ISCAN" [eye movement monitoring systems; electronic tracking units featuring cameras, micro-processors, monitors and digital hardware units]	"ISCAN" (and design) [video processing equipment, namely, video line doublers]			No
9-19	EX	75/871,163	FMR Corp.	Simms Walters* Chapman	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed		"401K.COM" [providing financial information and information about investment account activity by means of a global computer information network; investment management services; retirement fund investment services]		Miller	No
9-20	EX	75/932,869	SP Systems, LLC	Hairston* Chapman Drost	2(e)(1)	Refusal Affirmed		"FARM & HOME" [manually -operated compression sprayers for dispensing liquids]		Stine	No
9-20	EX	75/510,018	Chun Kee Steel & Wire Rope Co., Ltd.	Seeherman Chapman Drost*	whether applicant's mark is inherently distinctive or has acquired distinctiveness through use in commerce, under Section 2(f)	Refusal Reversed (on the basis of acquired distinctiveness under Section 2(f))		the colors red and green applied to two adjacent strands of applicant's wire rope [wire rope]		Linnehan	No
9-20	EX	76/193,919	DTL, Inc.	Simms Hohein* Rogers	2(e)(1)	Refusal Affirmed		"ALGAGEL" [skin gels and lotions]		Ayala	No

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