

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 18-22, 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
3-19	EX	75/767,435	The Mercy Hospital of Pittsburgh	Simms (D) Chapman* Bucher	2(d)	Refusal Reversed		“OPERATION SAFETY NET” [healthcare services provided to unsheltered and transient homeless community through drop-in care centers, shelters, mobile care van and by foot and other related medical treatments, said healthcare services not including drug replacement treatment services]	“SAFETY NET” [health care services, namely, drug replacement treatment services for qualified needy patients]	Luthey	No
3-19	EX	75/742,020	William A. Lois	Simms Chapman* Wendel	2(d)	Refusal Affirmed		“CF” [clothing, namely, shirts, pants, jackets, underwear, hats, bathing suits; and sportswear, namely, tennis shoes, headbands, wristbands, and sweat socks]	“CF” (in stylized lettering) [western-style clothing, namely, bandanas]	French	No
3-19	EX	75/646,479	Triton Boat Co., L. P.	Cissel Bucher Drost*	2(d)	Refusal Reversed		“SUMMIT BOATS” [boats]	“SUMMIT” [snowmobiles and structural parts therefor]	K. Le	No
3-20	OPP	114,515	Apollo Group, Inc. v. International Foundation for Retirement Education	Walters* Bottorff Rogers	2(d)	Opposition Dismissed	“CRPC” [educational services, namely, providing courses and testing in the fields of retirement and financial planning, retirement plans, retirement investment and life management]	“CRC” [educational services, namely, classes, seminars, workshops, and conferences for counselors and administrators providing services to retirement plans and their participants in the field of financial planning]			No

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

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3-20	EX	75/674,206	Santa Barbara Promotions, Inc.	Hairston Walters Bottorff*	2(d)	Refusal Affirmed as to both cited registrations		"MAGIC WALLET" [wallets]	2 cited registrations, owned by different entities: "MAGIC CARD HOLDER" [wallets and credit card cases] and "MAGIC PAX" [backpacks, cloth travel bags, and cloth overnight bags]	Clayton	No
3-21	EX	75/358,966	Daniel Dayan	Simms Hairston* Wendel	2(e)(1)	Refusal Affirmed		"BABY GOLF" [clothing, namely, newborn, infant and toddler shirts, one-piece outfits, coveralls, pants and dresses]		Mathews	No
3-21	EX	75/607,234	Media West-RDC, Inc.	Seeherman Hanak* Holtzman	genericness; whether, if not generic, applicant's mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed on both grounds		"THE NEWS JOURNAL" [newspapers for general circulation]		Coggins	No
3-22	OPP (SJ)	121,784	Ron Cauldwell Jewelry, Inc. v. Clothestime Clothes, Inc.	Simms Hairston Wendel [Opinion "By the Board" (Butler)]	2(d); affirmative defense: whether a contractual agreement between the parties bars opposer's opposition	Opposition Dismissed (Applicant's motion for summary judgment granted)	"EYE CANDY" (in stylized lettering) [retail store services featuring jewelry, watches, money clips, cuff links, key chains, clocks, handbags, purses, shawls, scarves, gloves and decorative hair clips and pins]	"EYE CANDY" [retail store services featuring apparel, footwear, cosmetics, fragrances, health and beauty aids, candles, hair accessories, jewelry, watches, hand bags and carry bags, stationery goods, key chains, picture frames, and giftware]			Yes

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3-22	EX	75/626,354	A.D. 1619 Company	Simms* Hohein Chapman	whether the matter asserted for registration functions as a service mark for applicant's recited services; whether applicant's specimens show use in commerce of the asserted mark	Refusal Affirmed on both grounds		<i>applicant describes is mark as follows:</i> "The mark consists of a ten story plus penthouse building façade, which at the penthouse parapet exterior, incorporates a bust of Mr. Abraham E. Lefcourt surrounded by ornamentation, and which, at the ground floor bronze doorway transom, at the Broadway entrance, incorporates a bust of Mr. Alan E. Lefcourt surrounded by ornamentation." [real estate agency services, leasing office space to tenants, management of real estate, real estate investment, and real estate brokerage services; entertainment services, namely, provision of background, backdrops, and visual settings for motion pictures, television broadcasts, and video and sound recordings]		Wahlberg	No
3-22	EX	75/582,753	4162 Doerr Road, Inc. dba Marshall Distributing, Inc.	Hanak Chapman Drost*	2(d); 2(e)(1)	Refusal Affirmed on both grounds		"HI-TORQUE" [land vehicle parts, namely, snowmobile drive belts]	"HI TORQUE" (and design) [starter motors for land vehicles]	Coleman	No

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3-22	EX	75/737,714	Graham Paint & Varnish Co. Inc.	Quinn* Hairston Bucher	2(d)	Refusal Affirmed		"ACRYPLEX" [exterior, interior paint, and house paint for use on wood, concrete, tile, plaster, wall board and structural surfaces sold in retail paint and wallpaper stores, including hardware and home improvement stores]	"ACRIPLEX" [scratch-resistant coating lacquers for plastic materials]	R. McMorrow	No

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