

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
November 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
11-18	OPP (SJ)	124,462	Ecolab Inc. v. Cyclo3pss	Hanak Chapman* Rogers	whether applicant used its mark on the goods recited in its application as of the filing date of its application	Opposition Sustained (Opposer's motion for summary judgment granted)	““ECOLAB” and other marks incorporating the formative “ECO” [a wide variety of cleaning, sanitizing, maintenance, and repair products and services for a variety of markets]	“ECO-WASH” [commercial laundry machines]			No
11-18	EX	75/346,851	Quality Mapping Solutions, L.L.C.	Quinn Hohein* Holtzman	whether the matter applicant seeks to register is used solely as a trade name and not also as a trademark	Refusal Affirmed		“QUALITY MAPPING SOLUTIONS” [computer software, namely, software used to manage quality systems for the purpose of certification of private, business and governmental entities according to national and international quality standards]		S. Davis	No
11-18	EX	75/932,290	Jose Ramacle	Walters* Chapman Bucher	2(e)(1)	Refusal Reversed [Note: Decision includes a footnote discussing probative value of certain evidence gathered from the Internet]		“BIO-CD” [apparatus and instruments for scientific research for laboratories, namely, modified CDs on which biological molecules are fixed, and a variety of related goods; scientific and research services, namely, the identification of biological molecules of infectious agents present in human or animal tissues or liquids, etc.]		R. Clark	Yes

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

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11-19	EX	75/525,634	RG Delaware, Inc.	Bottorff* Rogers Drost	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed, but only to the extent that applicant must disclaim the word PROBE before mark may be registered on the Supplemental Register		"DYNAMIC PROBE" [pressure monitor with pressure sensors for use in connection with filtration beds]		Vanston	No
11-20	EX	75/859,262	Mana Products, Inc.	Seeherman Hanak Drost*	2(d)	Refusal Reversed		"COLOR THERAPY" [cosmetics, namely, eye shadow, eye liner, mascara, eye pencils, blush, lipstick, lip gloss, nail polish, makeup, face powder, skin foundation, and concealer used on the skin]	"ESSENTIAL COLOR THERAPY" [hair treatment preparations, namely, shampoo for color treated hair]	Kovalsky	No
11-20	EX EX	75/930,465 75/930,476	Frank E. Loomis, III	Hanak Quinn Bucher*	whether applicant's specimens demonstrate service mark use in connection with the services recited in his applications	Refusal Affirmed in both cases		"MAKEFEELGOOD" and "MAKEFEELBAD" [both marks for counseling, namely, offering advice regarding interpersonal skills]		Verhosek	No

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11-21	EX	78/035,255	SYNTHESES AG Chur	Hohein* Walters Rogers	2(d)	Refusal Affirmed as to services in Cl. 42; Refusal Reversed as to goods and services in Cls. 9, 10, 16, 35, and 41		“AO” [<i>in Cl. 9:</i> computer programs for teaching surgical techniques, videos featuring medical information, exposed x-ray films and slides, <i>and a variety of other goods</i> ; <i>in Cl. 10:</i> surgical, medical, dental and veterinary implants, artificial limbs, <i>and a variety of related products, including surgical tools</i> ; <i>in Cl. 16:</i> newspapers, magazines, books, and workbooks featuring medical information; <i>in Cl. 35:</i> copyright management; <i>in Cl. 41:</i> publication of books and magazines, electronic publication services, in particular, publication of text and graphic works of others on CD-ROMs featuring medical information, <i>and other services</i> ; <i>in Cl. 42:</i> medical research, organizing and conducting medical clinical trials, medical laboratory services, medical services, providing medical information, leasing computer facilities, language translations, and medical photography]	“AO P.A.” (and design) [surgery and medical services, namely, ear, nose and throat as well as plastic and cosmetic surgery]	Rodriguez	No

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11-21	EX	75/832,078	Porpoise Pool & Patio, Inc.	Cissel Seeherman* Hohein	2(d)	Refusal Affirmed		"SUNCOAST GOLD" [swimming pool chlorine]	"SUNCOAST" [outdoor pools and patio furniture]	B. Brown	No
11-21	EX	75/918,594	Surfit Newsprint Corp.	Hohein Holtzman Drost*	2(e)(1)	Refusal Affirmed		"VINYLCCLAD" [vinyl covered garage door panels, moldings, and millwork made primarily of non-metal]		Cain	No
11-21	EX	75/468,157	Coinmach Corp.	Cissel Seeherman Chapman*	2(e)(1)	Refusal Affirmed		"SUPER LAUNDRY" [retail distributorship services featuring laundry equipment; construction services, namely, planning, laying out and custom construction of laundry retail stores; maintenance and repair of laundry equipment]		Kim	No
11-21	EX	76/118,575	Global Locate, Inc.	Seeherman* Hanak Hairston	2(e)(1)	Refusal Affirmed		"GLOBAL LOCATE" [signal processing integrated circuits that interact with a global positioning system and telecommunications equipment (namely, cellular telephones and radio pagers) to identify geographical position of persons or objects]		Gaynor	No
11-22	EX	75/828,319	AAA Customer Services, LLC	Hanak* Quinn Holtzman	genericness	Refusal Reversed		"EXCLUSIVE BUYERS OFFICE" [real estate agencies]		Cross	No

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11-22	EX	75/277,895	Sunkist Growers, Inc.	Walters Chapman* Rogers	whether the specimens of use show trademark use of applicant's mark on the goods recited in its application	Refusal Reversed		"THE ULTIMATE DIET DRINK" [fresh fruit]		L. King	No
11-22	EX	76/133,102	The Estridge Group, Inc.	Hanak* Chapman Holtzman	2(d)	Refusal Affirmed		"HOMELIFE" [residential building construction, namely, construction of single family homes, townhouses and multi-family apartments]	"HOMELIFE" [real estate brokerage and management services] <i>and four other cited registrations incorporating the word HOMELIFE for the same or related services</i>	Milton	No
11-22	OPP	108,787	Yamaha Corp. of America v. Wrightwood Enterprises, Inc.	Seeherman Quinn* Bucher	2(d) [whether opposer abandoned the mark on which it bases its claim of priority]	Opposition Dismissed	"EVERETT" [pianos]	"EVERETT" [pianos]			No

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