

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
February 25 – March 1, 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
2-26	EX	75/858,278	Leonard P. Gietz, M. D.	Simms* Seeherman Walters	whether applicant's composite mark is inherently distinctive	Refusal Affirmed		<i>mark comprising:</i> the disclaimed term "RENT-A-PHONE," displayed in light green letters (in an italicized sans serif font) within an elliptical field providing a white background with a light green border		K. Le	No
2-26	EX	75/569,622	Fenwick-Keats Realty, L.L.C.	Wendel* Bucher Bottorff	whether the drawing of the mark is a substantially exact representation of the mark shown in the specimens of use--i.e., whether the specimens demonstrate service mark use of the mark sought to be registered [mutilation]	Refusal Affirmed		design mark incorporating a representation of sign post		Oslick	No
2-26	EX	75/672,214	TimeLine Computer Entertainment, Inc.	Simms Hanak Chapman*	2(d)	Refusal Affirmed		"TIMELINE" [computer game programs and video game software]	"TIME LINE" [computer programs]	Kazazian	No

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

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2-27	OPP (SJ)	115,862	National Paintball Supply, Inc.	Simms Hairston Rogers [Opinion "By the Board" (Goodman)]	2(d)	Opposition Sustained	"DIABLO" [paintball guns, accessories, and supplies]	"DIABLO" [paintballs for leisure sports]			No
2-27	EX	75/541,700	ERIM Int'l, Inc.	Seeherman* Quinn Bottorff	2(d)	Refusal Affirmed		"GEOWORX" [computer software for generating and managing geo-spatial products, namely, the conversion of raw remote sensing data into image files for the automated extraction of features in standard image formats]	"GEOWORKS" [publications, namely, books and training manuals regarding computer programs]	Cain	No
2-27	EX	75/185,899	The Fitz-Simmons Co.	Seeherman Bottorff* Rogers	whether the mark applicant seeks to register is used as a service mark (i.e., a mark used in connection with services performed for the benefit of others)	Refusal Reversed		"THE PUPPY CHANNEL" [production of programming for entertainment media, particularly pre-recorded videotapes and video disks for television and motion pictures]		Zak	No
2-27	EX	75/872,263	Modern Media	Seeherman Hairston Wendel*	2(d)	Refusal Affirmed		"FAT SWEEPER" [vitamins, herbal supplements, nutritional supplements and dietary supplements]	"SUPER SWEEPER" [nutritional supplement]	French	No

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2-27	EX	75/699,608	Chilay Foods, Inc.	Seeherman* Hairston Drost	2(e)(1); 2(d)	Refusal Affirmed (on 2(e)(1) grounds only)		"ULTIMATE SALSA" [guacamole dip; hot sauce, namely, salsa and taco sauce]	"LA ULTIMA SALSA" (and design) [salsa]	Front	No
2-28	EX	75/801,563	Union Semiconductor Technology Corp.	Simms Hanak* Drost	2(d)	Refusal Affirmed		"USTC" [semiconductor devices, namely, semiconductor integrated circuits and devices incorporating semiconductor integrated circuits]	"USTC" (and design) [a certification mark for a variety of goods subject to standards or specifications, primarily in the areas of goods distributed for use by businesses, business equipment, communication devices and instruments, raw materials and product components, medical equipment, wearing apparel and personal protective equipment, construction and building materials, electrical devices, and pharmaceuticals]	Wahlberg	No
2-28	EX	75/503,725	Jean M. Boudreau	Hanak* Quinn Bottorff	2(d); 2(e)(1)	Refusal Affirmed (on both grounds)		"LADYSGOLF.COM" [on-line retail store services, computerized on-line ordering services featuring golf accessories, namely, golf bags, golf clubs, golf balls, golf tees, golf flags, golf shoes, golf skirts, and golf shirts]	"LADY GOLF" (and design) [women's golf clothing, namely, shirts, pants, skirts and shoes; women's golf clubs, women's golf gloves, golf bags, golf balls and golf tees; retail golf store services]	Golden	No

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2-28	EX	75/501,565	Copamex, S. A. de C.V.	Quinn* Hohein Bucher	2(d) ; Section 6 disclaimer requirement	Refusal Affirmed as to goods in Class 3 but Refusal Reversed as to goods in Class 21; Refusal Affirmed as to Section 6 disclaimer requirement (of the word MEX)		"C COPA MEX" (and design) [ <i>Class 3 goods</i> : body soaps; disinfectant soaps; deodorant soaps; deodorants for personal use; body creams; lotions, namely, skin lotions; wax and creams for cleansing and polishing floors and furniture; shampoo, namely, hair shampoo; detergents, namely, laundry detergent; liquid cleaners, namely, all-purpose cleaners; and aromatic or scented essential oils for household purposes. <i>Class 21 goods</i> : paper towel dispensers; soap dispensers; napkin holders; brooms; mops; brushes, namely, floor brushes; and sponges, namely, sponges for household purposes]	"COPA" and "COPA" (in design format) [ <i>both marks for cosmetics and hair products, namely, nail polish, skin cleansers, skin lotions, foundation makeup, shampoos, conditioners, hair color, and hair relaxers</i> ]	Kovalsky	No
2-28	EX	76/032,522	Stanton Acquisition Corp.	Seeherman Walters* Wendel	2(e)(1)	Refusal Reversed		"ATELIER CARPETS" [carpets and rugs]		Linnehan	No
2-28	EX	75/728,366	Touch Technology Int'l., Inc.	Cissel Walters* Holtzman	2(e)(1)	Refusal Affirmed		"POCKETSERVER" [computer software for operating smart-card information and transaction processing systems and for operating network communications systems]		Wahlberg	No

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