

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 25-29, 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
3-26	EX	75/829,220	Alpha Analytics Investment Group, LLC	Hairston Bottorff* Drost	Section 6 disclaimer requirement (of the words ALPHA ANALYTICS)	Refusal Affirmed		"ALPHA ANALYTICS DIGITAL FUTURE FUND" [financial services, namely, investment advisory services and mutual fund investment services]		W. Goodman	Yes
3-26	OPP (SJ)	120,101	Enterprise Rent-A-Car Co. v. Advantage Rent-A-Car, Inc.	Bucher Rogers Drost [Opinion "By the Board" (Mermelstein)]	Res Judicata as to Dilution	Opposition Dismissed (Applicant's motion for summary judgment granted)	"WE'LL PICK YOU UP" [rental and leasing of vehicles]	"WE'LL EVEN PICK YOU UP" [rental and leasing of vehicles]			Yes
3-27	EX	75/199,511	Milano Hat Co., Inc.	Hairston* Bucher Bottorff	2(e)(3); 2(a) [geographically deceptive]	Refusal Affirmed on both grounds		"MILANO" (and design) [western wear, namely, shirts]		Weltsch	No
3-27	OPP	114,186	Missing Children Minnesota v. Run*Yell* Tell, Ltd.	Walters Chapman* Drost	2(d)	Opposition Sustained	"RUN, YELL & TELL!" [educational services, namely, conducting abduction prevention safety workshops for parents and children and distributing related program material in the nature of books, song and music sheets, instructor's presenter's manuals, posters, and videotapes]	"RUN YELL TELL ANTENNA POWER" (and design) [instructional services, namely, providing workshops featuring child protection and safety]			No
3-27	EX	75/832,057	Superior Uniform Group, Inc.	Hairston* Wendel Holtzman	2(e)(4)	Refusal Affirmed		"MARCOTT" [apparel, namely, uniforms]		Klass	No

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3-27	EX EX EX EX	75/619,820 75/695,625 75/695,626 75/695,630	Connect, Inc.	Simms Holtzman* Rogers	2(d)	Refusal Affirmed in all four cases		<p>“POWERNET” [high speed computer hardware communication servers and computer network device interoperability software for use in integrating multiple and incompatible asynchronous wireless client computer networks];</p> <p>“POWERNET TWINCLIENT” [computer software for wireless data terminals for use in providing high speed interoperability between servers and both thin and thick clients];</p> <p>“POWERNET OPENAIR” [high speed computer hardware communication servers and wireless computer network device interoperability software for use in providing interoperable wireless computer network services];</p> <p>“POWERNET ENTERPRISE” [priority management computer software for use in managing the performance of data with different class of service requirements on a computer network]</p>	<p>“POWERNET” [computer software programs for use with uninterruptible power supplies (UPSs) for UPS monitoring and unattended shutdown of network operating systems]</p>	Webster	No

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3-27	EX	75/497,612	Solvent Solutions, Inc.	Cissel Quinn Bucher*	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 Reversed		"BIG BLUE" [chemical concentrate for mixing with water to form windshield washer fluid]		Roth	No
3-27	EX	75/868,073	SonoSite, Inc.	Cissel Seeherman Hairston*	2(e)(1)	Refusal Affirmed		"ONSITE" [providing educational services, namely, conducting classes, seminars, conferences and workshops in the use of medical diagnostic devices, including ultrasound devices; and training in the use and operation of medical diagnostic devices, including ultrasound devices]		Fosdick	No

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3-27	EX	75/708,354	The Biltmore Company	Walters Bottorff Drost*	2(d)	Refusal Reversed as to both cited registrations		"INN ON BILTMORE ESTATE" [hotel services]	2 cited registrations, owned by different entities: "FOUR SEASONS BILTMORE" [resort innkeeping services] and "THE BILTMORE LOS ANGELES" (and design) [hotel services]	Lincoski	No
3-27	EX	75/575,487	Promotional Partners Group, Ltd.	Simms Bucher* Bottorff (D, in part)	Section 6 disclaimer requirement (of the words PROMOTIONAL PARTNERS WORLD-WIDE)	Refusal Affirmed		"PROMOTIONAL PARTNERS WORLDWIDE" (and design) [advertising services, namely, promoting the goods and services of others by developing, creating, preparing and placing advertisements; developing, executing and evaluation of promotional campaigns for business; business consultation services, namely, negotiating the licensing of property for promotion; business management supervision and monitoring of product manufacturing; strategic business marketing consultation; business merchandising display services; cartoon character licensing; character licensing; creative graphic art design services]		Blohm	No

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3-27	EX	75/845,318	Pacific Telecard	Hairston Chapman* Rogers	2(d)	Refusal Affirmed as to all five cited Registrations		"PACIFIC PHONE CARD" [telephone calling cards, not magnetically encoded]	5 cited registrations, all owned by the same entity: "PACIFIC TELEPHONE" [telephone communication services and consulting services in the telecommunications field]; "PACIFIC BELL WORLDWIDE CALLING CARD," "PACIFIC BELL BUSINESS ONE NUMBER CARD," "PACIFIC BELL ONE NUMBER CALLING CARD," and "PACIFIC BELL WORLDWIDE BUSINESS CALLING CARD" [all four marks for telephone calling card services]	E. Perkins	No
3-28	EX	75/664,835	Phillips-Van Heusen Corp.	Hohein* Chapman Bottorff	2(e)(1); 2(a) [deceptiveness]	Refusal Affirmed on both grounds		"SUPER SILK" [clothing, namely, dress shirts and sport shirts made of silk-like fabric]		Engel	Yes
3-29	CANC	29,927	Chinese Media Group v. Southern Chinese Newspapers Publishing Co.	Sams Hohein* Holtzman	genericness; 2(e)(2)	Petition to Cancel Denied		"HOUSTON CHINESE YELLOW PAGES" [telephone directories]			No

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3-29	OPP	110,472	No Fear, Inc. v. Reginald P. Chriss	Simms Walters Drost*	2(d); whether applicant has used its mark in commerce	Opposition Sustained (on 2(d) ground only)	"NO FEAR" [a wide range of goods, including: shirts, sweatshirts, hats, and decals]; "FACE YOUR FEARS" [a wide range of goods, including: shirts, sweatshirts, and hats]; and other registered marks incorporating the word "FEAR" for wearing apparel and/or decals	"DEFEAT YOUR FEARS" [adhesive bumper stickers and window decals; shirts, sweatshirts and hats]			No
3-29	EX EX EX	75/702,008 75/702,010 75/702,011	Mark David Frankel	Hohein Hairston* Bucher	2(a) [immoral or scandalous matter]	Refusal Affirmed in all three cases		"GRANDMA SCHITTHED'S OUTHOUSE BROWN" [beer and ale]; "GRANDPA SCHITTHED'S INKY STINKY PALE ALE" [beer and ale]; "SCHITTHED'S" [beer and ale; restaurant and bar services; mugs; and t-shirts and hats]		Ervin	No
3-29	EX	75/746,706	1-800-Contacts, Inc.	Walters* Wendel Drost	genericness; whether, if not generic, the mark has acquired distinctiveness under Sec. 2(f)	Refusal Reversed		"1800CONTACTS" [mail order and telephone order services in the field of contact lenses and related products, and electronic retailing via computer featuring contact lenses and related products]		R. McMorrow	No

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3-29	OPP	116,277	Cunard Line Ltd. v. Cyrus Milanian	Hairston* Walters Rogers	2(d)	Opposition Sustained	a flag design, red with a white star [printed matter, namely, posters and post cards in the cruise travel field; cruise ship services; entertainment in the form of night club shows and stage shows featuring live bands, dance performances, and guest speakers; providing facilities in the nature of swimming pools; physical fitness instruction; party planning; casino services featuring card games; providing temporary housing accommodations; travel agency services, namely, making reservations and bookings for temporary lodging; and food preparation]	a flag design, red with a white star [business management of resort hotels, casinos, and theme parks for others and product merchandising; real estate development]			No

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3-29	EX	75/769,753	Berthold Types Ltd.	Hohein Hairston* Bottorff	Section 6 disclaimer requirement (of the word STANDARD)	Refusal Affirmed		"BERTHOLD STANDARD" [typeface fonts, namely, alphabet symbols and graphic fonts, recorded on magnetic media for reproduction and duplication for the creation of texts using graphic techniques; digitally stored typefaces, in particular on electric and/or magnetic data carriers, magnetic discs, CD-ROMs and diskettes; computer software in the field of desktop publishing; and computer software downloadable from computer information networks for generation of typefaces and fonts]		J. Martin	No

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