

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 28 – February 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
1-28	EX (R)	75/468,354	Sunex International, Inc.	Simms Cissel Quinn*	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"HEAVY HITTERS" [power driven heavy duty impact wrenches for professional mechanics in the automotive aftermarket]	"HEAVY HITTER" [hand tools, namely, hammers, axes, mallets, sledgehammers, and picks]	Craven	No
1-28	OPP	115,484	Slim-Fast Foods Co., Lipton Investments, Inc, and Conopco, Inc. v. Slim USA, Inc.	Simms Walters Wendel*	2(d)	Opposition Sustained	"SLIM-FAST" [dietary meal replacements, nutritional bars, and other dietary products]	"SLIM FATS" [vitamin and mineral dietary supplements]			No
1-28	EX	75/315,021	William J. Hardie	Cissel Seeherman* Quinn	genericness; whether, if not generic, applicant's mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed (on grounds of genericness and lack of acquired distinctiveness)		"HOOTENANNY" [entertainment services in the nature of live musical performances]		Molinoff	No
1-29	EX	75/502,332	Modular International, Inc.	Seeherman* Hanak Holtzman	2(e)(1)	Refusal Affirmed		"LINEARS" [recessed wall and ceiling electric lighting fixtures]		Coleman	No
1-29	EX EX	75/514,898 75/514,899	The Dayton Power and Light Co.	Hohein Bucher* Drost	2(d)	Refusal Affirmed		"DPL ENERGY WAY TO GO" (and design) and "DPL ENERGY" [both marks for distribution and transmission of energy]	"D P & L" [public utility services, namely, supplying electricity, gas and steam]	Griffin	No

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1-29	EX	75/649,382	St. Clair Apparel, Inc.	Quinn Bottorff* Rogers	2(d)	Refusal Affirmed (as to all three cited registrations)		"ST. CLAIR APPAREL" [men's, women's and children's clothing, namely, tops, sport shirts, t-shirts]	3 cited registrations, owned by 3 different registrants: "CARLY ST. CLAIRE" [clothing, namely, sweaters]; "MARIE ST. CLAIRE" [women's clothing, namely, dresses]; "NINA ST. CLAIRE" (in stylized lettering) [women's clothing, namely, skirts, pants, shorts, culottes, jackets, vests, jumpsuits, blouses, shirts, tops, belts and scarves]	Will	No
1-29	EX EX	75/717,887 75/768,871	LAWORLD	Walters Bucher* Holtzman	2(d)	Refusal Affirmed (in both cases)		"LAWORLD" and "LAWORLD" (and design) [both marks for legal services performed by the members of the applicant (collective service marks)]	"LAWORLD" [providing access to an on-line computer database and bulletin board service featuring advertisement and marketing information for legal products and services offered to users of a global computer network; on-line computerized ordering of legal products and services]	Neville	No

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1-30	CANC (SJ)	29,135	TravelQuest Ltd. v. Davis Companies, Inc.	Seeherman Quinn Walters [Opinion "By the Board" (Cataldo)]	2(d) [cross motions for summary judgment]	Petition to Cancel Granted (Petitioner's motion for summary judgment granted)	"TRAVELQUEST" [travel agency services, namely, making reservations and bookings for transportation]	"TRAVELQUEST" [travel agency services, namely, making reservations and bookings for transportation]			No
1-30	EX	75/769,557	The Harrison Co., LLC	Walters* Rogers Drost	2(e)(1)	Refusal Affirmed		"LOYAL POLICYHOLDER" [promoting the goods and services of insurance companies and other financial services institutions by arranging and administering a customer loyalty marketing program that tracks and analyzes customer relationships and allows insurance companies and other financial institutions to reward their customers with preferred rates, buying power and other incentives based on those relationships]		Sonneborn	No
1-30	EX	75/542,207	Deus Technologies, L.L.C.	Hanak* Hohein Bucher	Section 6 disclaimer requirement (of the word RAPID-SCREEN)	Refusal Reversed		"RS RAPIDSCREEN" [medical imaging system comprising computer hardware and software, film digitizer, monitor and printer, for assisting radiologists in diagnosing early stage lung cancer by scanning chest x-rays]		R. Kim	No

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1-30	EX	75/405,215	Michael E. Love	Walters* Holtzman Rogers	2(e)(1)	Refusal Affirmed		"AMERICA'S BAND" [entertainment in the nature of live performances by a musical group]		Eulin	No
1-30	EX	75/789,053	Institute for Transformation, LLC	Simms Quinn Walters*	2(e)(1)	Refusal Affirmed		"A LIBRARY FOR PERSONAL GROWTH" [computer software for behavioral assessment and prerecorded CD-ROM disks and prerecorded video tapes in the field of behavioral assessment; tutorials, namely, workbooks and books in the field of behavioral assessment; educational services, namely, providing seminars, workshops, conferences, and instructional meetings related to behavioral assessment; in -training consultation services in the field of behavioral assessment; computer on-line global services, namely, providing a web site featuring instruction in the field of behavioral assessment]		Krebs	No
1-30	EX	75/677,974	The 67 Liquor Shop, Inc.	Hanak Chapman* Holtzman	2(d)	Refusal Reversed		"WALL STREET WINE TRADER" [wine brokerage services]	"WALL STREET" [whiskey]	Keam	No

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1-30	OPP	118,149	Wacom, Co. Ltd. v. Walcom, Inc.	Hanak* Walters Drost	2(d)	Opposition Sustained	"WACOM" [computer input hardware, namely, digitizers]	"WALCOM" and "WALCOM" (and design) [both marks for rental of computer hardware to companies for employee computer training; leasing computer facilities to companies for employee computer training; registration of participants for others at computer conferences and seminars; computer consulting services to businesses for the optimum layout of computer hardware]			No
1-31	EX	75/164,568	Isbre Holding Corp.	Hanak Hairston* Wendel	genericness (registrability on the Supplemental Register)	Refusal Affirmed		"ISBRE" [bottled spring water]		Rademacher	No
1-31	OPP	107,318	Ronald C. Goodman and Spacecam Systems, Inc.	Seeherman* Walters Wendel	2(d)	Opposition Sustained	"SPACECAM" [photographic equipment, namely, specifically designed and mounted camera equipment used in photography and filming of motion pictures, television productions and commercials and services associated therewith]	"SPACECAM" [stereoscopic, virtual reality products, namely, video cameras, computer port interface boards, device drivers for stereoscopic viewing devices, and data and computer software recorded on magnetic tape and compact disks for making and viewing stereoscopic presentations]			No

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1-31	EX	75/759,404	Big Steaks, Inc.	Hohein Wendel Drost*	2(e)(3)	Refusal Affirmed		"MANHATTAN STEAK HOUSE" [restaurant services]		Mickleburgh	No
1-31	EX	75/449,294	Phoenix Intangibles Holding Co.	Seeherman Hanak* Hairston	2(d)	Refusal Reversed		"RIVER CITY CHICKEN COMPANY" [supermarket services, namely, a supermarket providing prepared chicken]	"RIVER CITY" [wholesale distributorship featuring meat and fish products]	Eulin	No
1-31	OPP	106,928	No Fear, Inc. v. Frank Scott White	Cissel Quinn Hairston*	2(d)	Opposition Sustained	"NO FEAR" and "NO FEAR" (in a number of design formats) [all marks for a wide variety of wearing apparel, including t-shirts, sweat shirts and hats]	"SNOW FEAR" [clothing articles, namely, t-shirts, sweat shirts and hats]			No

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