

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
October 28 – November 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
10-29	OPP	117,002	GA Modefine S.A. v. Esportia Int'l. Ltd.	Seeherman Hanak Hairston*	2(d)	Opposition Sustained	"AX ARMANI EXCHANGE" [handbags, wallets, name card business cases, shoulder bags, fanny packs, backpacks, trunks for travel, umbrellas and walking sticks; work clothing, namely, overalls and coveralls; clothing, namely, trousers, skirts, coats, overcoats, raincoats, jumpers, jackets, jeans, shorts, short jackets, shirts, sweaters, cardigan jackets, blouses, sport shirts, polo shirts, underwear, track suits, swimming suits, sweat shirts, sweat pants, pullovers, gloves, hosiery, neckties, hats and caps; shoes, sandals, boots and slippers]	"U/X UNDERWEAR EXCHANGE" [men's, women's and children's underwear, sleepwear, and loungewear]			No
10-29	EX	76/090,373	Marshall Cavendish Corp.	Quinn Hohein* Bottorff	2(d)	Refusal Affirmed		"WE CAN READ ABOUT NATURE!" [non-fictional nature book series for young readers featuring topics on camouflage, habitat, identification of species, and life cycles, and for enabling the reader to build vocabulary and strengthen phonic skills]	"I CAN READ ABOUT" [series of children's books]	Jacobi	No

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10-29	EX	75/435,249	Kendro Laboratory Products GmbH	Seeherman Hairston Bottorff*	2(d)	Refusal Affirmed		"CYTOMAT" (in stylized lettering) [incubators for laboratory purposes; temperature and climatic cabinets for general industrial applications]	"CITOMAT" [autoclaves]	Farrell	No
10-29	EX	75/002,400	S.A. G.H. Martel et Cie.	Seeherman Quinn Rogers*	2(d)	Refusal Affirmed		body and neck labels applied to the bottles for applicant's goods, such labels bearing the words "G. H. MARTEL & CO.," "CHAMPAGNE," "BRUT," "EPERNAY," and other words and designs [wines from France, namely, Champagne]	<i>10 cited registrations, all owned by the same entity:</i> nine registrations for labels applied to the bottles for registrant's goods, all nine labels bearing the word "MARTELL" and other words and/or designs; and one registration for the mark "COGNAC. THE ART OF MARTELL" [all ten registrations for "cognac," "cognac brandy," or "brandy"]	Sloan	No
10-29	EX	75/439,223	Shah Trading Corp.	Quinn* Hohein Chapman	2(d)	Refusal Affirmed		"SUGAM" [Indian lentils; Indian pastes, namely, garlic paste, ginger paste, ginger and garlic pastes, green chili paste; Indian chutneys, namely, coriander chutney, garlic chutney, and red pepper chutney; Indian flours, namely, rice flour, corn flour; Indian spices, namely, mustard seeds, fenugreek seeds, nutmeg powder, cloves]	"SAGAM" and "SAGAM (and design)" [both marks for pepper-based hot sauce, vinegar, honey and salt]	L. King	No

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10-29	EX	76/014,336	Walsh Jesuit High School	Simms Seeherman Bottorff*	2(d)	Refusal Affirmed		"WALSH JESUIT" [educational services, namely, providing courses of instruction at the high school level]	"WALSH" and "WALSH" (in a design format) [both marks for educational services, namely, providing courses of instruction at the college and graduate levels]	Miller	No
10-29	EX	75/490,769	Livbag S.A.	Seeherman Walters* Chapman	genericness [whether applicant's mark is capable of registration on the Supplemental Register]	Refusal Reversed		"MGG" [gas generators for air bags protecting devices; pyrotechnic gas generators; pyrotechnic fillings for such generators and pyrotechnic gas generators for seat belt retractors]		Stine	No
10-29	EX	76/251,522	Atico Int'l. USA Inc.	Quinn Hohein Walters*	2(d)	Refusal Affirmed		"ALCO" [scissors and utility knives; pocket calculators and protractors, graduated rulers; a wide range of stationery items in Class 16; tote bags and backpacks; locker accessories, namely, personal organizers, non-metal locks, picture frames, mirrors; locker accessories, namely, lunch boxes; artist aprons; children's play mats]	"ALCO" [retail services in connection with variety and discount stores]	Oh	No

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10-31	OPP (R)	116,277	Cunard Line Ltd. v. Cyrus Milanian	Hairston* Walters Rogers	2(d)	Request for Reconsideration Denied (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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11-1	EX	75/111,981	Comprehensive Care Corp.	Hohein Walters Chapman*	2(e)(1); whether applicant's mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed		"COMPREHENSIVE BEHAVIORAL CARE" [case management for the health benefits plans of others; organization and administration of prepaid behavioral healthcare plans and administration of employee healthcare plans, including workers' compensation; healthcare in the nature of a behavioral health maintenance organization]		Garner	No

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