

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 30 – October 4, 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
9-30	EX	75/799,927	Johnson & Johnson	Cissel Quinn Bottorff*	2(e)(1)	Refusal Affirmed		"SMARTVAC" [surgical device, namely, a vacuum used in breast biopsies]		Yontef	No
9-30	OPP	97,805	Vincent's of Mott Street, Inc. and Vincent Generoso v. Quadami, Inc.	Simms (D) Seeherman Walters*	2(d)	Opposition Sustained (as to both opposed applications)	"VINCENT'S CLAM BAR," "THE ORIGINAL VINCENT'S" and related marks that include additional wording and design features [restaurant services]	"THE ORIGINAL VINCENT'S ESTABLISHED 1904" (and design) and "FROM LITTLE ITALY TO LONG ISLAND VINCENT'S CLAM BAR" (and design) [both marks for restaurant services]			No
9-30	EX	75/931,409	Microcell Corp.	Hairston Chapman* Rogers	2(e)(1)	Refusal Affirmed		"FIBERCELL" [electrochemical fuel cells, batteries, and power supplies]		H. Thompson	No
9-30	EX	75/904,311	SmartMoney	Quinn Hohein* Holtzman	2(d)	Refusal Reversed		"SMARTMONEY" [computer software for providing investment, business and financial news and information via the global computer network, via local computer networks, and for use on personal computers, excluding programs designed for academic use for students]	"SMART MONEY" [interactive computer programs for educational use and instructional manuals sold as a unit therewith]	Richie	No
9-30	EX	75/486,815	Good Health Natural Foods, Inc.	Simms Quinn Walters*	genericness [whether applicant's mark is registrable on the Supplemental Register]	Refusal Reversed		"VEGGIE RINGS" [vegetable-based snack foods]		L. King	No

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9-30	EX	76/088,319	Leonard J. Broggrebe	Simms Hairston* Chapman	2(d)	Refusal Reversed		"A.D. 2000" [golf clubs]	"AD" (in a stylized form) [gold clubs]	Lowry	No
9-30	EX	76/164,320	Lite-structures (GB) Ltd.	Hohein* Hairston Holtzman	2(e)(1)	Refusal Affirmed		"LITESTRUCTURES" [metal building materials, namely, lattices, roof trusses, girders, joists, trellises, beams, rails, posts, latch bars, brazing and welding rods, tubing, and cornices for temporary structures, stage structures, stage platforms, backdrops, exhibition structures and lighting gantries; metal fasteners, namely, bolts, hooks, nuts, brads, clamps, and cotter pins; metal pipe fittings and couplings, namely, spigots, collars, elbows, connectors, and clips; metal wall panels, ceiling panels and flooring for stage structures; and prefabricated metal platforms]		Cooper	No
9-30	EX	75/882,633	Sabert Corp.	Quinn Bucher* Holtzman	2(e)(1)	Refusal Affirmed		"STURDIWARE" [distributorships, mail order services, retail store services and computerized on-line ordering and retail services featuring food containers of all kinds, including serving trays, platters, plates, bowls and lids related thereto]		Delaney	No

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9-30	EX	75/661,184	Warnaco U.S., Inc.	Cissel Quinn Seeherman*	whether the mark in applicant's drawing is a "substantially exact representation" of the mark shown in applicant's specimens of use	Refusal Affirmed		"WARNER'S SIMPLE LUXURIES" [intimate apparel and figure enhancing garments, namely, bras, panties, underwear, underpants, undergarments, underclothes, teddies, slips, sarongs, negligees, lingerie, foundation garments, girdles, corsets, camisoles, body slips and body suits, sleepwear, and nightgowns]		Singleton	No
9-30	OPP (SJ)	124,040	Jethro, Inc. v. I-Mode Retrieval Systems, Inc.	Simms Cissel Bottorff*	whether applicant's claimed date of first use is false; whether applicant's statement of goods and services is overbroad; and whether either of these sets of allegations in opposer's pleading states a proper ground for opposition	Opposition Dismissed (applicant's motion for summary judgment granted)		"I-MODE" [computer software and electronic databases on CD-ROM and downloadable from a global computer network for use in electronic publishing and information compilation and retrieval; custom design and development of computer software, CD-ROMs and web pages for electronic publishing and information retrieval via a global network of computers and CD-ROM deliver]			No

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9-30	EX	75/582,326	Philips Electronics North America Corp.	Simms Quinn Walters*	2(e)(1)	Refusal Affirmed		"NETDISPLAY" [video displays connected to one or more servers through a digital network, allowing users to interact with applications which are executed on a server]		Cross	No
10-1	EX	75/696,547	Center for Change, Inc.	Simms Seeherman Hanak*	2(d)	Refusal Affirmed		"CENTER FOR CHANGE" [counseling and medical services, namely, an in -patient and out -patient care treatment, nutrition counseling, and recreational therapy, all of these services provided for women suffering from eating disorders]	"CENTER FOR CREATIVE CHANGE" (and design) [psychotherapy]	Chicoski	No
10-2	EX	75/698,596	Altair Engineering, Inc.	Hanak* Quinn Holtzman	whether the mark in applicant's drawing is a "substantially exact representation" of the mark shown in applicant's specimens of use	Refusal Reversed		"HYPERVIEW" [computer software, namely, a general purpose post -processor and visualization tool for mechanical system simulation and engineering data providing three dimensional animation and XY plotting capabilities for analyzing mechanical system simulation results]		Krisp	No
10-3	EX	76/309,327	Vitaplex, Inc.	Cissel Hanak Bucher*	2(d)	Refusal Affirmed		"VERITAS" [bottled water]	"VERITAS" [nutritional products, vitamins, minerals, weight loss products, namely, dietary supplements]	Mattessich	No

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10-3	CANC	24,330	S Industries, Inc. and Central Mfg. Co. v. Casablanca Industries, Inc. and Hunter Fan Co.	Hanak Chapman* Bottorff	2(d)	Petition to Cancel Denied	"STEALTH" [tennis rackets, golf clubs, tennis balls, basketballs, baseballs, soccer balls, golf balls, cross bows, tennis racket strings and shuttlecocks; bicycles, motorcycles and boats]	"STEALTH" [ceiling fans]			No
10-4	EX	76/039,649	Manhattan Scientifics, Inc.	Cissel Seeherman Quinn*	2(e)(1)	Refusal Affirmed		"HYDROCYCLE" [operator controlled motor propelled road vehicles, namely, hydrogen fueled bicycles]		Robinson	No
10-4	EX	76/014,524	RateIntegrat-ion, Inc.	Simms Hairston Chapman*	2(e)(1)	Refusal Affirmed		"RATEINTEGRATION" [computer software programs for use in setting pricing for use on global computer networks, web hosting, web site content, electronic commerce, telephony and other per use digital services]		L. Thompson	No

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