

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 10-14, 2003**

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
3-10	EX	76/120,514	Dritex, Inc.	Seeherman Quinn Bottorff*	whether applicant's specimens demonstrate service mark use in connection with the services recited in its application	Refusal Reversed		"DRITEX" [installation of drywall and painting of residential homes and commercial buildings]		Buongiorno	No
3-12	EX	76/004,737	International Restaurant Group, L.L.C.	Simms Bottorff Drost*	2(d)	Refusal Affirmed		"DIAMONDBACK'S A TEXAS BISTRO" [restaurant services]	"DIAMONDBACK" [restaurant services]	Reihner	No
3-12	EX	75/608,537	Kricket Internet Service Co.	Quinn Hairston Drost*	2(d)	Refusal Affirmed as to both cited registrations		"KRICKET INTERNET SERVICE" (and design) [providing multiple-user Internet access]	<i>2 cited registrations, both owned by the same entity: "CRICKET" and "CRICKET COMMUNICATIONS" [both marks for telecommunications services, namely, offering personal communications services via wireless networks; and providing cellular telephone services and personal communication network (PCN) services]</i>	Fairbanks	No

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3-12	EX	75/779,128	New Media LLC	Hanak Walters* Bottorff	2(d)	Refusal Affirmed		"GOSKINEWENGLAND.COM" [providing an Internet website featuring information regarding skiing and snowboarding in New England and prices and discounts for skiing and snowboarding equipment, trail maps, dining, and entertainment]	"GOSKI" [providing information regarding travel to and from mountain resorts; providing information regarding mountain resorts, entertainment activities, meteorological conditions, reviews of products and services concerning mountain sport activities, and food, restaurant and lodging choices]	Blohm	No
3-12	OPP	117,553	Burlingame Industries, Inc. v. Allmet Building Products, Inc.	Hohein Bottorff* Rogers	2(d)	Opposition Sustained	"CAPISTRANO" [roofing tiles]	"CAPISTRANO TILE" [metal roofing panels]			No
3-12	EX	76/323,759	Atico Int'l. USA Inc.	Hohein Rogers Drost*	2(d)	Refusal Affirmed		"BRAIN STORMS" [electric novelty lamp]	2 cited registrations, both owned by the same entity: "BRAINSTORMS" and "BRAINSTORMS" (and design) [both marks for retail store services and mail order catalog services featuring novelty items and toys]	Jackson	No

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3-12	EX	76029774	Club Monaco Corp.	Simms Rogers* Drost	2(e)(4)	Refusal Affirmed		"CABAN" [stainless steel flatware; sofas, chairs, beds and ottomans; glass stemware, glass beverageware, glass bowls, dinnerware, namely, plates, cups, saucers and bowls; towels, sheets, pillow cases, pillow shams, bed skirts, comforters, blankets, comforter and blanket covers, shower curtains, linen table cloths and napkins, textile placemats and fabrics for house wares]		Drummond	No
3-12	EX	76/031,676	Transgo, Inc.	Simms Bucher* Rogers	genericness; whether applicant's mark, if not generic, has acquired distinctiveness (Sec. 2(f))	Refusal Affirmed on both grounds		"REPROGRAMMING KIT" [automotive transmission valve body components, namely, separator plates and springs; automotive transmission parts, namely, separator plates and springs, sold together as a unit; automatic transmission valve body parts sold as a unit for installation in the bodies of vehicle automatic transmissions; and valve body kits comprising separator plates and springs for installation in the valve bodies of vehicle automatic transmissions]		Gaynor	No

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3-12	OPP	121,296	Genesco Inc. and Genesco Brands Inc. v. Gregory Martz	Seeherman Chapman* Rogers	2(d); dilution	Opposition Dismissed	several pleaded registrations for various marks incorporating the letters "J & M" in either block letters or stylized form [for various goods and/or services, e. g., footwear, clothing, fashion accessories, leather goods, retail store services, etc.]	"GM CUSTOM FIBERGLASSING WATERPROOF" (and design incorporating a thumb print) [t-shirts, surftrunks, sweatshirts, sweatpants, shirts, tank tops, jackets, shorts, socks and pants]			Yes
3-12	EX	75/906,043	HEP Grocery Co., L. P.	Simms Hanak* Quinn	2(d)	Refusal Reversed		"GREAT CATCH" [frozen prepared seafood]	"FISHER BOY A GREAT CATCH" (and design) [frozen fish and seafood]	Eulin	No
3-12	EX	76/140,920	La Rue Distributors, Inc.	Hanak* Chapman Drost	2(d)	Refusal Affirmed		"BA:NY" [diaper backpacks, diaper bags, diaper fanny packs and infant carriers in the nature of straps worn on the body]	"BA" (in stylized lettering) [backpacks and other goods]	Stephens	No
3-12	EX	76/258,134	David/Randall Associates, Inc.	Hanak Hohein* Bottorff	2(e)(1)	Refusal Reversed		mark comprising a graphic representation of applicant's goods [hand railings for a roof hatch]		Engel	No
3-13	EX	75/578,830	Nordson Corp.	Seeherman Quinn* Hairston	whether the matter applicant claims as its trademark is inherently distinctive	Refusal Affirmed		two rings or grooves, spaced from one another and encircling a portion of applicant's goods [metal nozzles for hot melt adhesive guns; metal nozzles for modules; and metal nozzles for dispensers, all used for dispensing hot melt adhesives]		Dwyer	No

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3-13	OPP (SJ)	116754	Havana Club Holding S.A. v. Jimmy Buffett	Quinn Walters Drost [Opinion "By the Board" (Omelko)]	whether opposer has standing to assert grounds for opposition under 2(e)(3), 2(a) [disparagement and false suggestion of a connection], and/or dilution	Opposition Dismissed	"HAVANA CLUB" [rum]	"HAVANAS AND BANANAS" [menu items, namely, prepared alcoholic cocktails]			No
3-13	EX	76/106,266	Gates-Mills, Inc.	Quinn* Hohein Bottorff	2(d)	Refusal Affirmed		"CAMO-TEK" [sportsman's hunting bags]	"TEK" [briefcases, pocketbooks, handbags, purses and luggage, namely, traveling bags, tote bags, carry-on bags, garment bags, overnight bags, and shoulder bags]	Saunders	No

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