

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 12-16, 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
5-13	CANC	30,783	James P. Cecil, Inc. v. Enterprise Automation, Inc.	Cissel* Seeherman Hohein	fraud; whether respondent owned the registered mark at the time it filed an application to register; 2(d)	Petition to Cancel Granted (on all grounds pleaded)	"NURTURE" [goods and services in the field of marketing and client relationship management processes, campaigns, and techniques]	"NURTURE" [computer software for automating marketing and relationship management campaigns]			No
5-13	OPP OPP	117,490 117,505	Information Builders, Inc. v. Technifocus, Inc.	Hanak* Quinn Walters	2(d)	Opposition Sustained	"FOCUS" [computer programs for data base management]; "PC/FOCUS" [diskettes containing a microprocessor program for use in preparation of reports and graphs from data stored in a personal computer]; "WEBFOCUS" [computer programs for data base management]; "FOCUS VISION" [pre-recorded computer programs used to store images in a database]; and "FOCUS FUSION" [computer software for database management systems]	"TECHINFOCUS" and "TECHINFOCUS" (and design) [both marks for software that permits users to transmit over public networks and private networks reports, invoices, marketing information, and data in a graphical format that is interactive]			No
5-13	EX	75/907,894	Hughes Supply IP, Inc.	Seeherman Quinn* Bucher	2(d)	Refusal Affirmed		"OH-SO-SOFT" [water softening units and accessories and parts therefor, namely, filters]	"O-SO PURE" [water conditioning units]	Swyers	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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5-13	EX	75/857,971	Mark Deitch & Associates, Inc.	Hohein* Chapman Bucher	genericness [whether applicant's mark is registrable on the Supplemental Register]	Refusal Affirmed		"WEBSITEDESIGNS.COM" [computer services, namely, designing and maintaining websites for others]		Fairbanks	No
5-13	EX	76/224,870	Corning Tropol Corp.	Hohein* Hairston* Walters	2(e)(1)	Refusal Reversed		"µCAT" [catadioptric micro-objective lenses using deep UV radiation and having submicrometer resolution and high numerical apertures for microlithography]		Stiglitz	No
5-13	EX	76/312,356	T. M. Shea Products, Inc.	Hohein* Bucher* Holtzman	2(d)	Refusal Affirmed		"POWERTOWER" [merchandising point of purchase displays constructed of metal, namely, both stand-alone displays and those for use with existing gondola displays for merchandising products]	"POWER TOWER" [plastic merchandising display]	Mayer-schoff	No
5-13	EX	76/079,850	Points.com Inc.	Chapman* Bucher Bottorff	2(e)(1)	Refusal Affirmed		"POINTS XCHANGE" (in stylized form) [providing a web site on the global computer network for the tracking and exchange of customer loyalty awards]		Beleneker	No
5-13	EX	75/734,318	American Marine Holdings, Inc.	Simms Quinn Walters*	2(d)	Refusal Affirmed		"ZX" (in stylized letters) [boats]	"ZX" [boats and structural parts therefor]	First	No

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5-13	OPP (SJ)	110,672	S Industries, Inc. and Central Mfg. Co. v. JL Audio, Inc.	Chapman Holtzman Rogers [Opinion "By the Board" (Kuhlke)]	2(e)(1); fraud; non-use; non-ownership	Opposition Dismissed (applicant's motion for summary judgment granted)		"STEALTHBOX" [speaker boxes and enclosures]			No
5-14	EX	76/318,749	Forever Enterprises, Inc.	Cissel Chapman Bucher*	2(e)(1)	Refusal Affirmed		"FAMILY TREE MEMORIALS" [providing an on-line electronic database featuring an aggregation of information and memorials concerning family members and for creating and tracing the descent of persons or families]		Kon	No
5-14	EX	76/125,151	Atlas Media Corp.	Cissel Bucher* Drost	whether applicant's amended identification of goods exceeds the scope of the goods as previously amended; whether applicant's specimens show use of its mark as a service mark]	Refusal Affirmed on both grounds		"\$PEND IT F\$T!" (and design) [entertainment services, namely, television, motion pictures, and home videos dealing with people, places, and events around the world and selected topics of interest]		Kazazian	No

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5-14	EX	76/118,576	Global Locate, Inc.	Hanak* Chapman Holtzman	2(e)(1)	Refusal Affirmed		"GLOBAL LOCATE" [identifying the geographic position of persons or objects using satellite positioning systems]		Gaynor	No
5-14	CANC (SJ)	92040460	Nougat London Ltd. v. Carole Garber	Seeherman Quinn Drost [Opinion "By the Board" (Dunn)]	fraud	Petition to Cancel Granted (Petitioner's motion for summary judgment granted)		"NOUGAT" [<i>various items of men's, women's, and children's clothing</i>]			No
5-14	EX	76/069,635	Tri Tool Inc.	Simms* Hairston Bucher	2(d)	Refusal Affirmed		"TUBE MASTER" [portable pipe and tube end shaping machines sold to commercial customers and used to prepare the ends of pipes and tubes for welding, and that cannot be used to bend pipes and tubes, and structural parts therefor]	"TUBEMASTER" [tube bending machines]	Kim	No
5-14	EX (R)	75/813,178	Security Benefit Life Ins. Co.	Simms* Hohein Drost	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"SECURITY FUNDS" [mutual fund investment services]	"SECURITY FUND" (and design) [banking services]	Amos	No
5-14	CANC	29,933	High Sierra Food Services, Inc. v. Lake Tahoe Brewing Co., Inc.	Seeherman Walters Chapman*	2(a) [geographically deceptive]	Petition to Cancel Denied		"LAKE TAHOE BREWING COMPANY" (and design) [beer]			No

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5-15	OPP	112,035	Serta, Inc. v. S Industries, Inc. and Central Mfg. Co.	Walters Bucher Drost*	2(d)	Opposition Sustained	“SERTA” [mattresses, mattress foundations, mattress pads and pillows]; “SERTA” (and design) [mattresses and mattress foundations]; “SERTA” [furniture convertible into beds]; “SERTA” (and design) [mattresses]; “SERTA” (in stylized lettering) [mattresses]	“SENTRA” [furniture, mirrors, picture frames, sleeping bags, seat cushions, non-metal trophies, key rings with plastic fobs, pillows, folding stadium seats, air cushions, wooden figurines, wall plaques, director's chairs, plastic name badges, upholstered furniture, wall mirrors; children's furniture, namely, seats, toy boxes, bedroom furniture, and chests]			No
5-15	EX	75/588,068	Catalog.com, Inc.	Hairston* Chapman Bucher	genericness	Refusal Reversed		“CATALOG.COM” [providing computerized online web pages featuring user-defined information which includes search engines and online web links to other web sites; registration of domain names for identification of users on a global computer network, and hosting the web sites of others on a computer server for a global computer network]		Brown	No
5-15	EX	76/069,908	Investment Technology Group, Inc.	Hanak* Hairston Holtzman	2(d)	Refusal Affirmed		“INFERENCE GROUP” [financial services, namely, securities, brokerage, trading services, financial portfolio management, and financial research]	“INFERENCE” [electronic payment, namely, electronic processing and transmission of bill payment data]	Bush	No

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5-15	OPP (SJ)	151,757	Columbia Insurance Co. and H. H. Brown Shoe Co., Inc. v. Lenworth Alexander Hyatt	Seeherman Hanak Hairston [Opinion "By the Board" (Wellington)]	2(d)	Opposition Sustained (opposer's motion for summary judgment granted)	"H" and crown design [footwear]	crown design [<i>various clothing items for men, women, and children</i>]			No
5-15	CANC	28,489	Engineering Plastics, Inc. v. Extrutech Plastics, Inc.	Seeherman Quinn Bottorff*	2(d)	Petition to Cancel Denied	"EPI" (in stylized form) [custom manufacture of compression molding and insert molding products; custom design of compression molding products]	"EPI" (and design) [extruded plastic in the forms of bars, blocks, pellets, rods, sheets, tubes, and other shapes as needed for use in manufacturing]			No
5-16	EX (R)	75/435,249	Kendro Laboratory Products GmbH	Seeherman Hairston Bottorff*	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"CYTOMAT" (in stylized lettering) [incubators for laboratory purposes; temperature and climatic cabinets for general industrial applications]	"CITOMAT" [autoclaves]	Farrell	No
5-16	EX	75/886,535	Logicom, Inc.	Cissel* Hairston Bucher	2(d)	Refusal Affirmed		"LOGICOM" [design and development of computer software, programs, systems, and networks for others, and computer consultation; technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail and in person]	"LOGICON" [analysis, planning, engineering, integration, testing and simulation for information, weapons, command, control, communications and intelligence systems; computer software design for others; computer system design, integration and consulting services; <i>and a number of other services</i>]	Le	No

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