

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**April 14-18, 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
4-15	EX	76/053,913	California Costume Collections, Inc.	Simms (D) Hanak Bottorff*	Section 6 disclaimer requirement of the words COSTUME COLLECTIONS [genericness]	Refusal Reversed		"CALIFORNIA COSTUME COLLECTIONS" [Halloween costumes; Halloween costumes and accessories sold as a unit]		Micheli	No
4-15	OPP	121,897	State Fair of Texas v. Judson-Atkinson Candies, Inc.	Seeherman* Hairston Rogers	2(d); 2(a) [false suggestion of a connection]	Opposition Dismissed	"BIG TEX" [arranging and conducting state fair activities, namely, competitive exhibits featuring home, farm, business, and industrial products; arranging and conducting entertainment and amusement services, namely, sideshows, rides and games; and arranging and conducting educational services in the nature of public exhibits and presentations featuring achievements in the arts and sciences; promotion of food services at the State Fair of Texas]	"BIG TEX" [confectionaries, namely, jelly beans]			No
4-15	EX	75/896,401	Express Tax Service, Inc.	Simms Hairston Chapman*	2(d)	Refusal Reversed		"EXPRESS TAX SERVICE" (and design) [preparation of income tax returns and electronic filing of tax returns for others]	"TAX EXPRESS" [income tax preparation and accounting services]	Engel	No

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

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4-15	EX	76/186,809	Physicians Practice, Inc.	Hanak Chapman Rogers*	2(d)	Refusal Affirmed as to all three cited registrations		"PRACTICE MANAGEMENT PEARLS" [computer services, namely, providing on-line magazines relating to business, marketing, financial and general practice management for physicians and medical personnel via a global computer network]	<i>3 cited registrations, the first two of which are owned by the same entity:</i> "PEARL ONLINE" [providing physicians with professional information in the field of patient medical records via a web page on a global computer network]; "MEDICAL PEARLS" [ <i>for the same services identified above plus</i> leasing access to an on-line computer program for use in the management of patient medical records]; "PEARLS FOR YOUR PRACTICE" [column reprints and supplements to magazines relating to the dental field]	Engel	No
4-15	EX	75/883,446	Lange Uhren GmbH	Seeherman* Walters Holtzman	de jure functionality; whether applicant was obliged, under Rule 2.61(b), to provide a copy of a patent	Refusal Reversed		configuration of certain features of the watch face of applicant's goods [chronometers, chronographs for use as watches]		Miller	No

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4-16	EX	78/061,755	Oppedahl & Larson LLP	Simms* Hohein Drost	2(e)(1)	Refusal Affirmed		"PATENTS.COM" [computer software for managing a database of records and for tracking the status of the records by means of the Internet]		Masterson	No
4-16	EX	76/110,995	The ePublish. com, Inc.	Hanak Holtzman Drost*	2(d)	Refusal Affirmed		"VOILA" [desktop publishing software]	"VOILA" [computers, computer software for use as a spreadsheet for general use, customized computer software for professional use for use in database management, computer printers, and a number of other computer-related goods; installation, maintenance, and monitoring of computers, computer peripherals, etc., and other services; computer consulting services, computer renting/leasing of computer programs through electronic and telecommunication medium, design of computer software for others, etc.]	Vanston	No

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4-16	EX	75/869,797	The Work Connection, Inc.	Simms* Cissel Bottorff	2(e)(1)	Refusal Affirmed		"WORK READINESS PROGRAM" [employment counseling and recruitment services]		Ludlow	No
4-16	OPP	108,772	The Pep Boys Manny, Moe & Jack of California v. Cherng Lian Ent Co., Ltd.	Simms Hohein* Holtzman	2(d); dilution	Opposition Dismissed	"PEP BOYS" and a number of other word marks and word-and-design marks all incorporating the words "PEP BOYS" [a wide variety of automotive products and automotive-related services, as well as a wide variety of promotional goods]	"ROADBOY" (and design) [light fixtures for vehicles, namely, lights for automobiles, fog lights, headlights for automobiles, and light bulbs for land vehicles]			No
4-18	OPP	120,345	Green Bay Packers, Inc. and National Football League Properties, Inc. v. Marc A. Sebor	Cissel Walters* Drost	2(d); claim preclusion; 2(a) [false suggestion of a connection]; dilution	Opposition Dismissed	a number of marks incorporating the words "GREEN BAY PACKERS," "PACK," and "PACKERS" [ <i>for a variety of goods and services, including food products</i> ]	"PACKARONI" [pasta]			No

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