

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 15-19, 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
12-16	EX EX	76351777 76351778	Lafarge Road Marking, Inc.	Seeherman Walters Chapman*	2(d)	Refusal Affirmed in both applications		"SAHARA WATERMIX" and "SAHARA WATERDRY" [both marks for road and traffic marking paint]	<i>1 registration cited against both marks:</i> "SAHARA" [masonry waterproofing coating]	Brown	No
12-16	EX	75328593	Transistor Devices, Inc.	Seeherman Bucher Drost*	genericness	Refusal Reversed		"TRANSISTOR DEVICES" [electrical power supplies]		Borsuk	No
12-17	OPP (R)	91112035	Serta, Inc. v. S Industries, Inc. and Central Mfg. Co.	Walters Bucher Drost*	2(d)	Request for Reconsideration Denied (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
12-17	CANC (SJ)	92031423	H. E. Butt Grocery Co. v. Innovative Foods L.L.C.	Hairston Bucher Rogers [Opinion "By the Board" (Wolfson)]	2(d)	Petition to Cancel Denied (Respondent's motion for summary judgment granted)	"HILL COUNTRY FARE" and "TASTE OF THE HILL COUNTRY" [both marks for coffee]	"TASTE OF THE HILL" [specialty Italian foods, namely, pasta sauces, pasta, salad dressings, spices, coffees, barbecue sauces, pastries and frozen confections]			No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration
(2) *=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
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12-17	EX	76329770	HEB Grocery Co., L.P.	Cissel Hohein* Hairston	whether applicant's specimens show service mark use of the mark it seeks to register in connection with its recited services	Refusal Affirmed		"MEAL DEAL!" [supermarket services]		Reihner	No
12-18	EX	76180488	Creative Action, Inc.	Hairston Chapman Bucher*	2(d)	Refusal Affirmed		"EZ WHEELER" (and design) [invalid walkers, namely, wheeled walkers and rollators with waist-level handles to facilitate ambulation and on integral lift mechanism to lift items]	"EASY WHEEL" (and design) [wheelchairs for disabled persons for transport by land, and replacement parts for the aforementioned goods]	I.A. Clark	No

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