

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**August 18-22, 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
8-19	EX	75/879,693	Allwall Technologies, Inc.	Hanak Walters* Drost	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed		"ART.COM" [retail services in the field of art; art gallery services offered via computer networks and global communications networks; computerized on-line ordering, consulting, and advisory services in the field of framing materials for works of art and works of art, <i>etc.</i> ; sculptures and decorative objects and framing parts thereof, <i>etc.</i> ; electronic greeting cards; providing on-line information concerning the field of art, art prices, art sources, art prints, art publishers and individual artists]		Donnell	No
8-19	EX EX (**)	75/313,795 75/313,796	Cell Therapeutics, Inc.	Simms Hanak* Quinn	genericness	Refusal Affirmed in both cases		<i>2 applications to register the mark "CELL THERAPEUTICS, INC." [for (1) pharmaceutical preparations, namely, biochemical signaling pathway modulators and non-living nature, for use in all fields of medicine, medical research and pharmacology and (2) laboratory research and development services in the field of biomedical and therapeutic products that affect cellular signaling pathways]</i>		R. McMorrow	Yes [originally issued as non-citable 8-7-03; re-designated as citable 8-19-03]

(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; (\*\*) Re-designated as a Citable Precedent

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**August 18-22, 2003 (continued)**

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
8-19	EX (R)	76/092,271	Pro Select, Inc.	Hanak Hairston* Drost	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"TRIUMPH" [golf clubs, golf club shafts, golf club head covers, golf balls and golf tees]	"TRIUMPH" [softballs and tennis rackets]	Feldman	No
8-21	EX	74/135,691	Societe D'Exploitation de la Marque Le Fouquet's	Seeherman* Hairston Walters	whether applicant must submit evidence of the continuing validity of the foreign registration on which its Sec. 44 U.S. application is based	Refusal Affirmed		"FOUQUET'S" [a wide variety of goods and services in 20 classes]		Chicoski	Yes
8-21	OPP	108,304	Duke University v. Haggard Clothing Co.	Cissel* Quinn Walters	2(d)	Opposition Sustained	"DUKE" [educational services and clothing]	"DUKE AMERICA" [wearing apparel, namely, men's and boys' pants, jeans, shorts, belts, shirts, suits, jackets, coats, vests, sweaters, neckties, swimwear, socks, underwear and hats]			No
8-21	EX (R)	76/158,788	Medical Imaging Solutions, Inc.	Chapman* Bottorff Rogers	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		ANGIOVISION and design for medical imaging devices, namely, x-ray devices	ANGIOVISION for medical digital imagers for angiography investigation of retinal vascular and neural system in ophthalmology	R. McMorrow	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  
August 18-22, 2003 (continued)**

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
8-21	EX	76/224,169	Boardtown Corp.	Hohein Chapman* Rogers	2(d)	Refusal Affirmed		"WOMBAT HELP DESK SYSTEM" [computer software programs sold through direct sales channels for use in the field of technical support and help desk management, namely, providing problem ticket tracking, searchable knowledge base, contact management, and sales lead tracking]	"WOMBAT NET" (and design) [software in the field of providing multiple-user access to a global computer information network, and software for interfaces, search engines, e-mail, modem and system requirements]	Zak	No
8-21	EX	76/226,296	L.I.D. Ltd.	Cissel Seeherman* Hohein	2(d)	Refusal Affirmed		"ARIELLA" [diamonds and diamond jewelry]	"ARELLA" [jewelry]	R. Clark	No
8-21	EX	76/002,802	XM Satellite Radio Inc.	Seeherman* Hanak Holtzman	2(e)(1)	Refusal Affirmed		"REAL JAZZ" [entertainment services, namely, providing audio programs featuring music, sports, talk, news and data via satellite and via a global communication network]		C.B. King	No
8-21	EX	76/166,140	Chiaro Networks, Inc.	Hohein* Holtzman Rogers	2(e)(4)	Refusal Affirmed		"CHIARO" [computer hardware and computer software for controlling and operating computer and telephony networks]		Matthews	No
8-22	EX	76/159,275	Southeast - Atlantic Beverage Corp.	Seeherman Hairston Chapman*	2(d)	Refusal Affirmed		"BRAVO!" (in stylized lettering) [non-alcoholic beverages, namely, carbonated and non-carbonated soft drinks]	"BRAVO!" [powders for making soft drinks]	S. Kim	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  
August 18-22, 2003 (continued)**

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
8-22	EX	75/584,716	Thomson Multimedia Inc.	Simms* Seeherman (D) Holtzman	2(e)(1)	Refusal Affirmed		"SECURITY.TV" [television receivers used in home security systems; home security services, namely, monitoring and controlling home security systems]		Regan	No
8-22	EX	75/584,718	Thomson Multimedia Inc.	Simms* Seeherman (D in part) Holtzman	2(e)(1)	Refusal Affirmed as to goods in Cl. 9 and services in Cl. 38; Refusal Reversed as to services in Cls. 35, 26, and 42		"E-MAIL.TV" [ <i>Class 9</i> : television receivers incorporating circuitry to receive data services in the fields of information, education and entertainment; <i>Class 35</i> : computerized on-line ordering services in the fields of electronic products, apparel, automobile parts, food, furniture, jewelry, sporting goods, and appliances; <i>Class 36</i> : on-line bill payment services; on-line banking transaction services; <i>Class 38</i> : electronic mail services; providing multiple user access to a global computer information network; <i>Class 42</i> : on-line security services, namely, monitoring and controlling home security systems]		Regan	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**  
**August 18-22, 2003 (continued)**

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
8-22	EX	76/317,128	DDS Environmental, Inc.	Hairston* Walters Chapman	2(e)(1)	Refusal Affirmed		"DUALSAND" [water and wastewater filters]		Gaynor	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