

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 1-5, 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
12-1	EX	76231175	Globe Food Equipment Co.	Simms Hanak* Holtzman	2(d)	Refusal Affirmed as to both cited registrations		"CHEFMATE" [power operated, commercial, food service machines, namely, meat slicers, food mixers, and food processors]	2 cited registrations, both for the same mark and both owned by the same entity: "CHEFMATE" [kitchen utensils, namely, pots and pans] and [small electric appliances or apparatus for household and home kitchen use, namely, choppers, mixers, peelers, slicers, and dicers]	Alt	No
12-1	CANC (SJ)	92041922	Build-a-Bear Workshop v. Silver Dollar City, Inc.	Simms Hairston Rogers [Opinion "By the Board" (Wolfson)]	2(d); dilution	Petition to Cancel Dismissed (Respondent's motion for summary judgment granted)	"BUILD-A-BEAR" and a family of marks incorporating the words "BUILD-A-_____" [stuffed toy animals and plush toy animals and other goods]	"CREATE A CRITTER" [stuffed toy animals and plush toy animals and dolls and accessories therefor, and kits for creating stuffed toy animals and plush toy animals and dolls and accessories therefor]			No
12-2	EX	76294290	Motomco Ltd.	Seeherman Walters Bucher*	2(d)	Refusal Affirmed		"TOMCAT QUICKSTRIKE" [rodenticides]	"QUIKSTRIKE" [insecticides for agricultural, domestic and commercial use]	Im	No
12-2	EX	76363146	Boise Cascade Corp.	Simms Chapman* Bucher	Section 6 disclaimer requirement (of word "BOISE")	Refusal Affirmed		"BOISE ALLBEAM" [laminated wood members]		Keam	No

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

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12-2	EX	78097676	Milliken & Co.	Simms* Hairston Drost	2(d)	Refusal Affirmed		"SOFTEX" [fabrics for use in the manufacture of automotive upholstery]	"SOFTEC" [brocade, calico, cheese cloth, crepe cloth, felt cloth, flax cloth, hemp cloth, sail cloth, silk cloth, woolen cloth, cotton fabric, curtain fabric, nylon fabric, polyester fabric, rayon fabric, woolen fabric, fabric for boots and shoes, silk fabric for printing patterns, fiberglass fabric for textile use, fabric table runners, flannel, frieze, taffeta, textile linings for garments, jersey material, linen, textile used as lining for clothing, sackcloth, tulle, and velvet]	Kon	No
12-3	EX	78079350	JBA Consulting, Inc.	Hairston* Walters Chapman	2(e)(1)	Refusal Affirmed		"REAL TIME AUDIT" [computer software in the nature of end user applications for managing accounts payable, supplier relationship management, procurement management, disbursement auditing, duplicate payment prevention, data warehousing and fraudulent payment prevention]		Mandir	No

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12-3	EX	76238377	Rexhall Industries, Inc.	Simms* Hohein Chapman	2(d)	Refusal Affirmed		"AMERICAN CLIPPER" [recreational vehicles, namely, motor homes]	"CLIPPER" [recreational vehicles, namely, camping trailers and travel trailers]	Oh	No
12-3	EX	75916875	School Apparel, Inc.	Simms* Cissel Seeherman	2(d)	Refusal Affirmed		"VIRTUAL UNIFORMS" [clothing, namely, school and career uniforms comprising jackets, sweaters, pants, slacks, shorts, shirts, blouses, skirts, culottes, jumpers, shifts, vests, and socks]	"VIRTUAL" [clothing, namely, jackets, shirts, pants, t-shirts, shorts, and jeans]	R. Clark	No
12-4	OPP	91117882	Sharp Kabushiki Kaisha v. Sharp Circle Consulting, LLC	Simms Seeherman Chapman*	2(d)	Opposition Sustained (noting Board's earlier entry of show-cause order to applicant)	a family of marks consisting of or incorporating the word "SHARP" [<i>an extremely wide variety of electrical and/or electronic products in the computer field and in connection with related consultation services</i>]	"SHARP CIRCLE" (and design) [business consultation services in the fields of executive recruitment and business development; financial consultation services; computer technology consultation services]			No
12-4	OPP	91123830	Hart Info LLC v. Innovative Measurement Solutions, Inc.	Seeherman Hairston Bucher*	ownership of the mark	Opposition Sustained		"FORMULATION WORKSTATION THE WORKFLOW SOFTWARE FOR FORMULATORS" (and design) [computer software for formula development, formula management, and computer software for product development and process manufacturing applications, all for use in the process manufacturing industries]			No

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