

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 21-25, 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
7-22	OPP	114,039	Cross Country Bank v. Cross Country Financial Corp.	Hohein* Walters Bucher	2(e)(1); 2(e)(2)	Opposition Dismissed		"CROSS COUNTRY FINANCIAL CORPORATION" [lease-purchase financing and collection of retail installment sales contracts and consumer credit transactions]			No
7-22	EX EX EX EX EX EX (R)	75/909,661 75/909,662 75/909,664 75/909,666 75/909,667 75/909,668 75/917,250	Food Processing Equipment Co.	Cissel Seeherman Bottorff*	2(d)	Request for Reconsideration Denied [Refusal Affirmed in all seven cases (but only with respect to the cited MEGA SERIES mark)]		"MEGA TUMBLER," "MEGA SYSTEMS," "MEGA LIFT," "MEGA METERING SYSTEM," "MEGA MEAT PRESS," "MEGA DUMPER," and "MEGACOOKER" [all seven marks used in connection with one or more food processing machines, all used in processing meat, chicken, and/or pet food]	2 cited registrations, owned by different entities: "MEGGA" [machine for loading eggs into egg trays in the nature of flats and into cartons] and "MEGA SERIES" [food machinery for commercial manufacture of corn products, pizzas, tortillas and tortilla chips]	Boagni	No
7-22	EX	75/501,743	Alchemy Nominees Pty LTD	Hairston Chapman Bucher*	whether applicant's specimens show use of the mark applicant seeks to register [mutilation]	Refusal Reversed		"DECK ONE" (and design) [metal building products, namely, nails, screws, bolts, metal strapping, and fasteners for holding decking planks to a timber joist]		Bryan-Johnson	No

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

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7-22	OPP (R)	118,770	ISCAN Inc. v. DVDO, Inc.	Quinn Bottorff* Drost	2(d)	Request for Reconsideration Denied (Opposition Dismissed)	"ISCAN" [eye movement monitoring systems; electronic tracking units featuring cameras, micro-processors, monitors and digital hardware units]	"ISCAN" (and design) [video processing equipment, namely, video line doublers]			No
7-22	EX	76/198,019	DTI Partnership, L.L.P.	Hairston Walters Bottorff*	whether applicant is required to comply with the examining attorney's request for information under Rule 2.61(b)	Refusal Affirmed		"BLOCK CENSUS INTEGRATION REPORT" [computer software used to perform data analysis in the field of demographics]		Micheli	No
7-23	EX	75/934,176	James T. Maher	Hairston Bottorff Drost*	whether the matter applicant seeks to register functions as a mark for its goods or serves merely as product ornamentation	Refusal Affirmed		"RAK RANDOM ACTS OF KINDNESS" [shirts]		Buongiomo	No
7-24	EX	76/269,058	Scholastic Inc.	Quinn Hairston* Rogers	2(d)	Refusal Affirmed		"SWEETBERRY BOOKS" [series of books for children]	"SWEET BERRY" [toy animal figures]	Linnehan	No

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7-24	OPP OPP CANC	107,599 110,644 26,165	American Italian Pasta Co. v. Homestead, Inc. and New World Pasta Co.	Simms Seeherman* Drost	2(d); counterclaim for cancellation of two of plaintiff's pleaded registrations and for partial cancellation of two other of plaintiff's pleaded registrations, on grounds of abandonment	Oppositions Sustained and Petition to Cancel Granted; Counterclaim for partial cancellation of two of plaintiff's pleaded registrations granted	"LA ROSA" and "LA ROSA" in several design formats [<i>all for pasta products, bread crumbs, and/or other food products; opposer/petitioner pleaded six prior registrations for its various "LA ROSA" marks</i>]	"LA BELLA ROSA" and "LA BELLA ROSA" (and design) [dry pasta]; "LA BELLA ROSA BRAND" (and design) [<i>also for dry pasta</i>]			No
7-24	EX	78/052,872	Nutritional Services, Inc.	Hohein* Hairston Holtzman	2(d)	Refusal Affirmed		"NSI" (and design) [retail distributorship featuring dietary supplements]	<i>2 cited registrations, owned by the same entity:</i> "NSI" [dietary supplements and vitamins, minerals, herbs, herbal extracts and herbal combinations, all for use as dietary supplements] and "NSI NUTRACEUTICAL SCIENCES INSTITUTE" (and design) [computerized on-line ordering services in the field of vitamins and dietary supplements]	Evanko	No

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