

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 22-26, 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
9-22	EX	76/157,184	Thomas W. Sherwood	Hohein Bottorff* Holtzman	2(d)	Refusal Affirmed as to both cited registrations		"MR. DVD" (and design) [manufacture of digital video discs to the order and/or specification of others]	2 cited registrations, owned by the same entity for the mark "DVD" (and design) [optical disc players; compact discs containing digital information for display of filmed products] and [compact discs containing digital information for display of filmed products]	Carty	No
9-22	EX	76/236,769	David W. Knight	Cissel Chapman Bucher*	2(e)(1)	Refusal Affirmed		"BADSLAB" [structural repair of buildings, namely, repair in the field of concrete slabs and foundations; consultation in the field of structural repair of buildings, namely, repair in the field of concrete slabs and foundations]		Maciol	No
9-22	EX	75/487,869	Career Matrix, Inc.	Hairston Bucher* Rogers	2(d); Section 6 disclaimer requirement (of the word CAREER)	Refusal Affirmed on both grounds		"CAREER MATRIX" [employment agency, employment counseling and recruiting employment outplacement services, employee relocation and information regarding employees, employees and employment opportunities, all of which may be accessed through a global computer network]	"MATRIX" [placement of data processing professionals on both a permanent and contract basis]	Jenkins	No

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

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9-22	EX	76/254,783	Sewage Aeration Systems, Inc.	Walters Drost Rogers*	2(e)(1)	Refusal Affirmed		"WET COMBUSTION" [sewage treatment aeration units to enhance decomposition of waste water sludge]		Thompkins	No
9-23	EX	76/212,284	Titan Technologies Int'l., Inc.	Seeherman* Hairston Bucher	2(d)	Refusal Affirmed		"TITAN TECHNOLOGIES" [power tools, namely, power wrenches; wholesale distributorships featuring power wrenches; on-line retail stores services featuring power wrenches; technical consultation in the field of power wrenches]	"TITAN TOOLS" (and design) [hand tools and instruments, namely, oil field hand tools—namely, tongs, wrenches, swivels, flange spreaders, pipe dollies, and wire line guides]	Pappas	No
9-24	EX	75/494,451	Zena Rommett and Camille Rommett Romanovich	Hanak Hairston Bucher*	genericness	Refusal Reversed		"FLOOR-BARRE" [educational services, namely, instruction in the field of ballet]		G. Clark	No
9-24	OPP	91-150,890	Collagenex Pharmaceuticals, Inc. v. Four Star Partners	Cissel Hohein* Rogers	2(d); whether applicant had bona fide intention to use its mark on the recited goods as of the filing date of the application	Opposition Sustained as to the goods in Class 5 (but only on 2(d) grounds); Opposition Dismissed as to the goods in Class 3	"DERMOSTAT" [pharmaceutical preparations, namely, tetracycline and tetracycline derivatives for treatment of wounds]	"DERMASTAR" [In Class 3: a wide variety of non-medicated cosmetic and personal care products; in Class 5: a large number of medicated personal care items and pharmaceutical preparations, including acne medications, acne treatment preparations, bandages for skin wounds, and wound dressings]			No

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9-25	EX	76/287,712	Purina Mills, Inc.	Seeherman Hairston* Chapman	2(d)	Refusal Affirmed		"BIRD LUVERS BLEND" (in stylized lettering) [bird food]	"BIRD LOVERS COLLECTION" [bird feeders and accessories therefor, sold together as a unit, namely, seed trays, hangers, poles, seed scoops and feed]	Front	No
9-25	EX	76/237,453	Aeromet Technologies, Inc.	Simms Botorff Drost*	2(e)(4)	Refusal Reversed		"GLASSON" [chemical compounds, namely, silanes for use in a wide variety of fields; non-stick coatings for application to metal surfaces in a wide variety of industries; and non-stick coatings for use in the manufacture of cookware]		G. Clark	No
9-25	EX	75/535,232	U-Haul International, Inc.	Seeherman Walters Drost*	whether applicant is impermissibly seeking registration of more than one mark in its application	Refusal Affirmed		<i>mark described as</i> "the specific placement of an illustration readily identifiable with one of the 50 United States, D.C., or one of the Canadian provinces, on the rear portion of the side panel of a vehicle, extending from about the top to about the bottom of the panel and between a point adjacent to the rear of the side panel and a point adjacent to the rear axle wall" [rental services, namely, rental of trucks, etc.; and other services]		Donnell	No

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9-25	EX	76/362,677	Charter One Financial, Inc.	Hohein* Hairston Bucher	2(d)	Refusal Affirmed as to both cited registrations		"BUSINESS ONE REWARDS" [banking services]	2 cited registrations: "BUSINESSONE" [banking services]; "BUSINESS REWARDS" [banking services, namely, loan and checking account services to small businesses]	R. McMorrow	No
9-25	EX	75/087,988	Kernel Creations, Ltd.	Hairston Walters* Rogers	whether applicant's mark may lawfully be used in commerce; whether applicant's mark can function to identify the source of its goods; 2(e)(1)	Refusal Affirmed on basis that (1) applicant's mark cannot function to identify the source of its goods and under 2(e)(1)		"PATENT PENDING" [computer programs to aid inventors in disclosing an invention and instruction manuals sold therewith]		J. Martin	No
9-26	EX	76/199,156	Hawaii Medical Service Association	Hairston* Walters Drost	2(d)	Refusal Affirmed		"CARDIAC CARE CONNECTION" [providing cardiac information and an illness management program aimed at reducing the long term health effects and costs of cardiac problems through direct patient and physician contact]	"CARDIAC CONNECTION" [educational services, namely, conducting seminars, forums, screenings, and health fairs in the field of cardiology; medical services]	Thompkins	No

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9-26	EX	76/186,666	Physicians Practice, Inc.	Simms Bucher* Rogers	2(e)(1)	Refusal Affirmed		"HOUSESTAFF.COM" [computer services, namely, providing on-line magazines in the fields of business, marketing, financial and general practice management for physicians, medical students, and medical personnel via a global computer network]		Stephens	No
9-26	EX	76/208,434	Jolie Intimates	Simms Bucher* Drost	2(d)	Refusal Affirmed		"GYRL CO." [intimate apparel, namely, bras, crop tops, bikini underwear, panties, slips, nightgowns, cami sets, and packaged underwear]	"GIRLS CO." [women's and girls' clothing, namely, t-shirts, blouses, sweaters, sweat shirts, and tank tops]	Carruthers	No
9-26	OPP	120,198	Wallyball Int'l., Inc. v. Joe Garcia	Simms Bottorff* Drost	2(d); estoppel by agreement; dilution	Opposition Dismissed	"WALLYBALL INTERNATIONAL, INC." (and design) [kits for playing the game of "wallyball" (comprising ball, net, net tightener, storage bag, official rule book, hardware, and installation instructions); banners, suction cups, and clothes (including t-shirts, jerseys, jackets, shorts and sweat pants); promoting the sport of wallyball by conducting and sponsoring games, tournaments, and championships]	"MR. WALLYBALL" [t-shirts, wrist bands, sweatshirts, caps, and shorts; wallyball balls]			No

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9-26	EX	78/033,833	County Bank	Cissel Bucher* Bottorff	2(d)	Refusal Affirmed		"COUNTYBANK.COM" [banking services via the Internet]	"THE COUNTY BANK" [banking services]	Ludlow	No

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