

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**June 23-27, 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
6-23	EX	76/234,607	Pentel of America, Ltd.	Simms Cissel* Holtzman	2(d)	Refusal affirmed		SUN BURST for automatic pencils	SUNBURST [stylized] for writing paper, tablets and envelopes	Molinoff	No
6-23	EX	75/714,956	Sun-Land Garden Products, Inc.	Simms* Hohein Rogers	Failure to function as a mark [1,2 and 45]	Refusal affirmed		FLOWERS and daisy design [FLOWERS disclaimed] for garden mulch		B. Smith	No
6-23	EX	76/132,747	The Publishing Agency, Inc.	Cissel* Quinn Walters	2(e)(1)	Refusal affirmed		BrandedContent for preparing print, audio and visual presentations for use in advertising name brand products		S. Stephens	No
6-23	EX	76/204,767	Dewey Data LLC	Seeherman Hairston* Drost	2(d)	Refusal affirmed		DITTODRIVE for computer hardware and software for computer hard disk drive protection, duplication and recovery	DITTO for computer memory storage devices, namely, tape drives, computer memory storage controllers and computer memory storage tape cartridges	M. Miller	No

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

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6-23	OPP	125,367	Ultimate Nutrition, Inc. v. Wellness Lifestyles, Inc.	Hanak Chapman Holtzman [By the Board]	2(d)	SJ granted for opposer	ULTIMATE NUTRITION for vitamins and nutritional food supplements	ULTIMATE for nutritional supplements not including liquid beverages or juice products			No
6-24	EX	75/587,358	Senior Consulting Group, L.L.C.	Simms Hohein* Bottorff	Disclaimer requirement under 6(a) and 2(e)(1)	Requirement reversed		NSAC NATIONAL SENIOR ADVISORY COUNSEL and design for conducting seminars for senior persons relating to financial and estate matters		Blandu	No
6-24	EX	76/249,601	Applied Materials, Inc.	Cissel* Quinn Hohein	2(e)(4)	Refusal affirmed		HART for plasma generating equipment and machines for the processing and production of semiconductor substrates, thin films, silicon discs and wafers		Oslick	No
6-24	OPP	117,309	House of Blues Brands Corp. v. Silvia Woods, Inc.	Cissel* Quinn Hairston	2(d)	Opposition sustained	HOUSE OF BLUES for bar and restaurant services, nightclub services, music entertainment and concert promotion services, prerecorded tapes, CDs and records featuring music	HOUSE OF SOUL for various entertainment services such as live music by musical performing groups, comedy performances, poetry readings, lectures and seminars on a variety of topics (CI 41); restaurant services (CI 42)			No

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6-25	EX	76/061,827 76/065,119	Pyro-Stop, LLC	Hanak Hairston Bucher*	2(d)	Refusal reversed		PYRO-STOP with and without design for installation and maintenance services of penetration fire stopping and life safety equipment for use by facility owners, general contractors, and mechanical and electrical contractors (CI 37); penetration fire stopping and life safety equipment consultation services provided to facility owners, general contractors, and mechanical and electrical contractors in the fields of construction, renovation and restoration of commercial and industrial facilities (CI 42)	PYROSTOP for fire-resistant glass	A.Matthews	No
6-25	EX	75/028,659	Lisa Frank, Inc.	Seeherman* Bucher Drost	2(d)	Refusal affirmed		HUNTER for clothing, namely, caps, T-shirts and sweatshirts sold exclusively through applicant's retail stores	HUNTER ATHLETICS (with and without design) for various items of athletic, workout, exercise, sporting and casual clothing	Altree	No
6-26	EX	76/179,384	Jan T. Hornbacher	Cissel Hanak Drost*	2(d)	Refusal affirmed		BARCODE APPAREL [APPAREL disclaimed] and design for shirts, trousers, coats and hats	BAR CODE for hat s, shoes, gloves, belts, pullovers, jogging suits, T-shirts, shirts, tank tops, pants, shorts, jeans, sweaters, coats, jackets and sweatshirts		

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6-26	EX	76/233,386	United Coatings	Simms Walters Drost*	2(d)	Refusal affirmed		ROOF MATE for acrylic elastomer coating fluid applied roofing membrane, exterior paint and paint primer	ROOFMATE for roof insulation	DeFord	No
6-27	OPP	103,315	Arrow Trading Co., Inc. v. Victorinox A.G. and Wenger S.A.	Cissel Chapman* Holtzman	Whether opposer has standing; whether applicants are joint owners; whether applicants' mark indicates a single source; genericness	Opposition dismissed [opposer lacks standing; applicants are proper joint owners; the mark indicates source; opposer has failed to prove genericness]		SWISS ARMY multifunction pocketknives			No

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