

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 27-31, 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
1-29	CANC	29,232	Community Financial Services Assoc. of America	Seeherman Hairston Chapman*	genericness	Petition to Cancel Granted		"PAYDAY ADVANCES" [cash advances without credit checks up to \$500 for off-the-street customers with their post-dated checks as promissory notes, and wire funds transfers for such customers]			No
1-29	EX	76/174,284	Microbook Int'l., Inc.	Simms Bottorff Drost*	2(d)	Refusal Affirmed		"INTELLITEXT READER" [computer software which converts raw text into a formatted file for use in eventual downloading into an electronic display device]	"INTELLI-TEXT" [computer software and printed instruction manual sold therewith for use in creating customized documentation in the field of human resources management]	L. Thompson	No
1-29	EX	76/051,359	G-U Hardware, Inc.	Cissel Quinn* Drost	2(e)(1); whether applicant's identification of goods is sufficiently definite; 2(d)	Refusal Affirmed, but only on 2(e)(1) and identification of goods grounds		"LIFT-SLIDE" [hardware for doors and windows, carriages, rollers, locking bolts, plugs, bottom guides, cover plates, bumpers, sealing pieces, handles, pulls, plates, stops, lift locking gear, locks, connecting bars, gaskets and end caps]	"TILT 'N SLIDE" [window assemblies, window sashes, patio doors and patio door assemblies; supporting hardware for window sashes and patio doors, namely, pivots, brackets, interconnecting members, carriers with or without rollers, handles, pivot shoes, sash retainers, sash clips, locks and latches]	Dwyer	No

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

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1-29	EX	75/503,362	Holsted Marketing Inc.	Cissel* Hairston Holtzman	2(d)	Refusal Affirmed		"FITTING PROMISE" [hosiery]	"PROMISE" (in stylized lettering) [corsets, girdles, brassieres, and combinations of brassieres and girdles]	Zak	No
1-29	OPP	116,804	Gillette Canada Co. v. Kivy Corp.	Simms Quinn* Holtzman	2(d)	Opposition Sustained	"ORAL-B" [toothbrushes and other dental products]	"ORAL MAGIC" [non-electric toothbrushes]			No
1-29	OPP	117,607	Pfizer Inc. v. Soft Gel Technologies, Inc.	Simms Bucher Rogers*	2(d)	Opposition Sustained	"GLUCOTROL" and "GLUCOTROL XL" [both marks for antidiabetic preparations]	"GLUCOSOL" [dietary and nutritional supplements]			No
1-30	EX	76/108,371	Lista Int'l. Corp.	Simms Hairston* Chapman	2(e)(1); whether applicant's identification of goods in Class 9 includes goods in more than one class and is therefore unacceptable	Refusal Affirmed on both grounds		"E-LOCK" [metal locks and keys therefor, for use with furniture, drawer, and cabinet security systems, in Class 6; furniture, drawer, and cabinet security systems comprising self-locking drawers and cabinets, electronic controllers, programmable hand-held transmitters and programming key, and components therefor, in Class 9]		Hardy	No
1-30	EX	76/231,557	Sirius Products, Inc.	Simms Hohein* Hairston	2(d)	Refusal Affirmed		"WAM!" [stain remover for porcelain, fiberglass, tile, grout, metal surfaces, synthetic surfaces, vinyl, wood, marble, linoleum, plastic surfaces, glass, painted surfaces, brick, stone and concrete]	"WHAM" [drain pipe cleaner]	Tambourino	No

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1-30	EX	75/750,581	Amaranth Networks, Inc.	Walters Bucher* Bottorff	2(d)	Refusal Affirmed		"AMARANTH NETWORKS" [consulting services, namely, consulting with small businesses and start-up companies with respect to computer servers and networking equipment; hosting the web sites of others on a computer server for a global computer network; graphic design services; computer services, namely, web sites design and development, software programming for others]	<i>4 cited registrations, all owned by the same entity:</i> "AMERANTH" and "AMERANTH TECHNOLOGY SYSTEMS" [both marks for voice and data communications systems, inventory and cash management systems, security systems, and control systems, comprising computer hardware, transmitters, and receivers; "AMERANTH" and "AMERANTH TECHNOLOGY SYSTEMS" [both marks for providing the integration of voice and data communications systems, data processing systems, inventory and cash management systems, security systems, and control systems, comprising hardware, transmitters and receivers]	S. K. Lawrence	No

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1-30	EX EX EX EX EX	75/888,282 75/888,284 75/888,285 75/888,383 75/888,387	NIIT Ltd.	Simms Hanak Hairston*	whether applicant's identification of goods is sufficiently definite	Refusal Affirmed in all 5 cases		<i>five different marks, three incorporating the designation "NIIT" and the marks "BRICK & PORTAL and "CENTURY OF THE MIND" [all five marks for computer software for use in conjunction with conducting classes, seminars, and conferences and workshops in the field of computer hardware and software usage and information technology; computer software for use in conjunction with computer consulting services, computer software consulting services, computer software writing services, technical consultation for others in the field of computer aided engineering and engineering drawings, the design of computer software and computer hardware for others and computer programming for others]</i>		Steplight	No

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1-30	EX	75/160,194	Speedway Motorsports, Inc.	Cissel* Chapman Drost	2(e)(1)	Refusal Affirmed as to goods in Class 25 and services in Class 41		"TEXAS INTERNATIONAL RACEWAY" [clothing, namely, sweatshirts, warm-up sets, shorts, shirts, sport shirts, golf shirts, t-shirts, suspenders, sweaters, jackets, headbands, caps, visors, straw hats, socks and infant sets, in Class 25; entertainment services in the nature of conducting motor vehicle races and exhibitions, in Class 41]		Cain	No
1-30	EX	76/150,864	US-BANCORP, Inc.	Cissel Hairston* Holtzman	2(e)(2)	Refusal Affirmed as to all 4 Classes of services		"AMERICA'S FINANCIAL MART" [business consultation services, accounting services, income tax preparation services, asset and liability management services, in Class 35; <i>a wide variety of banking and financial services</i> , in Class 36; travel agency services, in Class 39; hosting the websites of others on a computer for a global computer network, printing services, concierge services, <i>and other services</i> , in Class 42]		Keating	No

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1-30	OPP	118,753	Venator Group Retail, Inc. v. L.M. McCullough and J. Pryor	Cissel* Walters Chapman	2(d); 2(a) [false suggestion of a connection]; dilution	Opposition Dismissed	"FOOT LOCKER" [duffel bags, knapsacks, and hip packs; athletic wear, namely, warm-up suits, jackets, t-shirts, sweatshirts, football jerseys and tennis outfits, racquet covers]; "FOOT LOCKER" (in stylized lettering) [retail sports apparel and footwear store services; shoes and hosiery]	"ANKLE LOCKER" [money belts to be worn around the ankle or wrist]			No
1-31	EX	76/134,279	Waldman Diamonds Complete, LLC	Cissel Chapman* Rogers	2(d)	Refusal Reversed		"REFLEXIONS BY JEM BRAGGIK" (and design) [jewelry, namely, rings with gemstones]	"REFLECTIONS BY JUDITH JACK" [jewelry]	W.K. Price	No

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