

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
November 3-7, 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
11-3	EX	75552930	Shindaiwa, Inc.	Cissel Hohein Bucher*	2(e)(1); genericness; whether applicant's mark, if not generic, has acquired distinctive-ness under Section 2(f)	Refusal Affirmed (under 2(e)(1) and for failure to show 2(f) acquired distinctive-ness but not on basis of generic-ness)		"POWER BROOM" (in stylized lettering) [hand-held power-operated sweeping devices consisting of a power-rotated cylinder having a handle for manual manipulation and exterior fins that engage and throw loose material to thereby clean outdoor surfaces such as sidewalks, driveways, and the like]		Beverly	No
11-4	EX	78077100	Twin Bay Medical, Inc.	Hohein Bucher Rogers*	Section 6 disclaimer requirement (of the words "BARB LOCK")	Refusal Affirmed		"BARB LOCK" (in stylized design format) [plastic barb clamps, consisting of a sleeve and a collet, used to clamp flexible tubes onto barb fittings to provide a seal for gases or liquids]		Blandu	No
11-6	CANC (SJ)	92041064	Impact Restaurants L.L.C. v. Sizzling Platter	Simms Bottorff Holtzman [Opinion "By the Board" (Greenbaum)]	2(d) [priority]	Petition to Cancel Dismissed (Respondent's motion for summary judgment granted as to priority)	"BARLEYHOPPERS" and "BARLEY HOPPERS" [both marks for restaurant and lounge services]	"HOPPERS" and "HOPPERS GRILL & BREWING COMPANY" [both marks for restaurant and bar services]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
November 3-7, 2003 (continued)**

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
11-6	EX	75738326	Ferrellgas, L.P.	Walters Chapman Bucher*	genericness; whether, if not generic, applicant's mark is registrable under Section 2(f)	Refusal Reversed		"FUELGAS" [propane gas; transportation of propane gas by truck and pipeline]		Mandir	No
11-6	EX EX	75621155 75621157	Call Center Technologies, Inc.	Cissel Chapman* Bottorff	2(d)	Refusal Affirmed in both cases		"CLICK-TO-CALL" and "CLICK2CALL" [both marks for providing local and long distance telephone services via global computer networks for the electronic transmission of voice and data]	"CLICK-N-CALL" [computer software, namely, software for enabling voice or other auditory communications over computer and/or telephone network]	Awrich	No

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