

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**August 4-8, 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 |
|-------------|-----------------|-------------------------|--|---------------------------------|---------|--|--|---|--|--------------------|------------------------------|
| 8-4         | OPP             | 115,438                 | Veuve Clicquot Ponsardin v. Palm Bay Imports, Inc. | Quinn Hairston<br>Bottorff*     | 2(d)    | Opposition Sustained (although not on the basis of opposer's pleaded registration for the mark LA VIUDA) | "VEUVE CLICQUOT" and "VEUVE CLICQUOT PONSARDIN" [champagne wines]; "THE WIDOW" [wines]; "LA VIUDA" [champagne wines] | "VEUVE ROYALE" [alcoholic beverages, namely, sparkling wine]  |  |                    | No                           |
| 8-4         | EX              | 76/130,604              | Naturally Scientific, Inc.                         | Bucher Bottorff<br>Holtzman*    | 2(d)    | Refusal Affirmed   |  | "ENERGY MENDER" [nutritional and dietary supplement]  | "MOOD MENDER" [health and performance foods, namely, ready -to-eat food bars, chewing gum and tea-based beverages] | Brown              | No                           |
| 8-4         | EX              | 78/039,026              | Cardiff Software, Inc.                             | Simms Hohein*<br>Bucher         | 2(e)(1) | Refusal Affirmed   |  | "AUTOMERGE PUBLISHER" [computer software used to merge source data with form templates for delivery of pre-filled forms]                              |  | Smiga              | No                           |
| 8-5         | EX              | 76/068,892              | Pisces-Print Imaging Sciences Inc.                 | Hanak Hohein<br>Bottorff*       | 2(d)    | Refusal Affirmed   |  | "JETPLATE" [desktop ink jet equipment for imaging printing plates, namely, plate processors, and production raster image processor software therefor] | "PLATEJET" [graphic arts film recorders and platesetter for use in the printing industry]                          | R. Smith           | No                           |
| 8-6         | EX              | 76/148,491              | Anita Dr. Helbig GmbH                              | Walters*<br>Chapman<br>Holtzman | 2(d)    | Refusal Affirmed   |  | "AMADEA" (in stylized lettering) [women's clothing, namely, bras, panties and corselets]  | "AMADEO" [ladies, men's and children's shoes]  | Capshaw            | No                           |

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| 8-6         | EX              | 76/085,630               | Magasin Chateau d'Ivoire Inc. | Simms Bottorff* Drost | 2(e)(1) [deceptively mis-descriptive] | Refusal Reversed               |  | "CHATEAU D'IVOIRE" (and design) ( <i>with the term "D'IVOIRE" disclaimed under Section 6</i> ) [jewelry; retail and wholesale distributorship in the field of jewelry; custom manufacture of jewelry]   |  | Oslick             | No                           |
| 8-7         | EX<br>EX        | 75/313,795<br>75/313,796 | Cell Therapeutics, Inc.       | Simms Hanak* Quinn    | genericness                           | Refusal Affirmed in both cases |  | 2 applications to register the mark "CELL THERAPEUTICS, INC." [ <i>for</i> (1) pharmaceutical preparations, namely, bio-chemical signaling pathway modulators and non-living nature, for use in all fields of medicine, medical research and pharmacology and (2) laboratory research and development services in the field of biomedical and therapeutic products that affect cellular signaling pathways] |  | R. McMorrow        | No                           |

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| 8-7         | OPP<br>OPP<br>OPP<br>OPP<br>OPP<br>OPP | 71,706<br>72,817<br>72,818<br>73,756<br>74,517<br>74,778<br>75,003 | Shen Mfg. Co. Inc. v. Ritz Hotel Ltd. | Simms Hanak*<br>Bottorff | 2(d)  | Opposition Nos. 72,818, 74,778, and 75,003 sustained; the other four oppositions dismissed |  | <p>"RITZ" [providing courses of instruction in cooking, meal preparation and wine selection (<i>Opp. No. 72,818</i>) and threads for use in textiles (<i>Opp. No. 74,778</i>);</p> <p>"THE RITZ KIDS" [gloves, etc. (<i>Opp. No. 75,003</i>)];</p> <p>"RITZ PARIS RITZ HOTEL" (and design) [dinner plates of porcelain or earthenware, cups, saucers and serving pieces of porcelain, hair combs, household sponges, household brushes, steel wool, household glassware, namely, tumblers, goblets and juice glasses (<i>Opp. No. 73,756</i>) and carpets, rugs, floor mats and matting, linoleum for covering existing floors, wall covering made of vinyl and plastic (<i>Opp. No. 74,517</i>);</p> <p>"PUTTING ON THE RITZ" [shower curtains (<i>Opp. No. 71,706</i>)];</p> <p>"CESAR RITZ" [educational services, namely, conducting courses of instruction in cooking (<i>Opp. No. 72,817</i>)]</p> |  |                    | No                           |

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| 8-8         | EX              | 76/296,618              | The Arthritis Foundation, Inc. | Simms*<br>Hanak<br>Drost        | 2(e)(1)   | Refusal Affirmed (but mark will proceed to registration on Supp. Reg.) |  | "ARTHRITIS WALK"<br>[charitable fundraising services; organizing, arranging, and conducting charitable fundraising events]                                |  | Winter             | No                           |
| 8-8         | EX              | 75/712,594              | Stout Industries, Inc.         | Simms<br>Chapman*<br>Holtzman   | whether applicant's specimens show use of its mark as a service mark in connection with the services recited in its application | Refusal Affirmed   |  | "STOUT.COM" [providing an on-line computer database providing information in the field of custom design and manufacture of signs and sign bearing fascia] |  | Dwyer              | No                           |
| 8-8         | EX              | 76/227,464              | Author Services, Inc.          | Hohein*<br>Bottorff<br>Holtzman | whether the matter applicant seeks to register functions as a mark for the goods recited in its application                     | Refusal Affirmed   |  | "BATTLEFIELD EARTH"<br>[pre-recorded audio tapes and video tapes and pre-recorded compact discs featuring a series of science fiction books]              |  | Stokols            | No                           |
| 8-8         | EX              | 75/714,606              | Donald S. Dowden               | Simms<br>Bottorff*<br>Holtzman  | 2(e)(1);<br>2(e)(2)   | Refusal Affirmed but only on 2(e)(1) ground                            |  | "US PATENT LAW REPORT" [a periodical, namely, a newsletter in the field of intellectual property]   |  | Wood               | No                           |

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| 8-8         | EX<br>EX        | 75/713,192<br>75/713,242 | Stout Industries, Inc. | Simms Chapman*<br>Holtzman | whether applicant's specimens show use of its marks as service marks in connection with the services recited in its applications | Refusal Affirmed in both cases |  | <i>2 applications to register the mark "STOUT.COM" [for (1) custom design of signs and sign bearing fascia for advertising for others and (2) manufacture of general product line in the field of signs and sign bearing fascia for advertising to the order and specification of others]</i> |  | Dwyer              | No                           |

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