

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 7-11, 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
4-8	EX	76/133,801	Points.com, Inc.	Chapman* Bucher Bottorff	2(e)(1)	Refusal Affirmed		"GLOBALPOINTS- XCHANGE" [providing a web site on the global computer network for the tracking and exchange of customer loyalty rewards]		Belenker	No
4-8	EX EX	78/081,597 78/081,704	Daedong Industrial Co., Ltd.	Quinn Hohein* Chapman	2(d)	Refusal Affirmed in both cases		"KIOTT" <i>and</i> "KIOTT" (and design) [both marks for agricultural and landscaping tractor attachments and tractor-towed agricultural implements, namely, front end loaders, backhoes, finish mowers, and tillers and replacement parts therefor]	"COYOTE" (and design) [construction equipment, namely, front end loaders and dozers]	Lincoski	No
4-8	EX	75/690,915	AdobeAir, Inc.	Cissel Walters* Bucher	2(d)	Refusal Reversed		"WISPER COOL" (and design) [portable evaporative air cooling units for domestic and commercial use]	"WHISPERKOOL" [wine cellar cooling units]	Collier <i>and</i> Baird	No
4-8	OPP	114,437	Sansegal Sportswear, Inc. v. Tim Allyn Patterson	Seeherman Quinn Walters*	2(d) [failure to submit timely evidence]	Opposition Dismissed	"ATTITUDE" <i>and</i> "ATTITUDE ANYWHERE" [both marks for clothing and sportswear, namely, jackets, sweatsuits, shorts, swimwear, shirts, t-shirts, sweatshirts, hats and tanktops]	"MUSCLE WITH ATTITUDE" [men's clothing, namely, pants, shirts, undergarments, hats and neckties]			No

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

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4-9	EX	75/699,004	Ultra-Flex Moulding, Inc.	Hanak Quinn Bucher*	2(d)	Refusal Affirmed as to both cited registrations		"ULTRA-FLEX MOULDING" [construction materials, namely, non-metal molding]	2 cited registrations, owned by 2 different entities: "ULTRA-FLEX" [metal edge molding for suspension ceilings] and "ULTRAFLEX" [non-metal, prefinished drywall trims]	Gaskins	No
4-10	EX	76/175,910	National Automotive Parts Assn.	Quinn* Hairston Walters	2(d)	Refusal Affirmed as to both cited registrations		"NAPA AUTOCARE 'PEACE OF MIND'" [business management supervision in the administration of warranties made by independent dealers in the field of motorized vehicle repair]	2 cited registrations, both owned by the same entity: "PEACE OF MIND STANDARD EQUIPMENT" (in stylized lettering displayed within a rectangle) and "PEACE OF MIND STANDARD EQUIPMENT" (and design) [both marks for vehicle repair and maintenance services performed at applicant's automobile dealership; automobile, van and truck leasing services; automobile dealership services]	Molinoff	No
4-10	EX	75/748,010	7-Eleven, Inc.	Seeherman* Hairston Bottorff	Section 6 disclaimer requirement (of the word SUPER)	Refusal Affirmed		"SUPER SLURPEE STRATA" [semi-frozen soft drinks]		Carty	No

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4-10	EX	76/184,516	ENDS, L.L.C.	Bottorff* Holtzman Drost	2(e)(1)	Refusal Affirmed		"EMERGENCY NURSING DOCUMENTATION SYSTEM" [printed matter, namely, emergency room documentation for specific complaints and payment coding guidelines]		Jackson	No
4-10	EX	76/279,120	T. M. Shea Products, Inc.	Cissel Seeherman Bottorff*	2(e)(1)	Refusal Affirmed		"PROMOSTRIPS" [elongated cardboard strip merchandising displays for use with existing gondola display units and other existing merchandise supporting structures for merchandising products]		Stiglitz	No
4-10	EX	76/137,620	Innovative Solutions & Support, Inc.	Hohein Hairston* Bottorff	2(e)(1)	Refusal Reversed		"PILOT'S/IP" [integrated avionics display system, comprising primarily a display and a rendering computer system for receiving input data and for processing the input data for graphically displaying information on the display, for the display of aircraft, flight and navigational information to the aircraft flight crew]		Alves	No
4-10	EX	76/197,868	DTI Partnership, L.L.P.	Hairston Walters Bottorff*	applicant's failure to comply with request for information under Rule 2.61(b); 2(e)(1)	Refusal Affirmed for failure to comply with 2.61(b); 2(e)(1) moot		"IBLOCK THERMAL MAPS" [computer software used to perform data analysis in the field of demographics]		Micheli	Yes

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4-10	EX EX EX EX	75/807,307 75/807,308 75/807,309 75/807,310	LightSurf Technologies, Inc.	Seeherman* Hohein Chapman	2(e)(1)	Refusal Reversed as to both classes in all four applications		<p>“PNONEPICTURE,” “PHONEPICS,” “PHONEPHOTO,” and “PHONEPIX” [all four marks for: In Class 9: computers, computer network servers, computer software, digital cameras; video cameras; digital and electronic cameras for uploading to and downloading from computers, computer printers and scanners; wired or wireless communications terminals, handheld portable terminals and organizers, and Internet and network web browsers, all for connecting to and exchanging information over the Internet and local area, wide area and enterprise networks; computer e-commerce software to allow users to perform electronic business transactions via the Internet or other computer networks; computer software used for the creation, enhancement, modification, transmission, reception, exchange, storage, and synchronization of information, messages,</p>		I. Williams	No

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	EX EX EX EX	75/807,307 75/807,308 75/807,309 75/807,310 (cont'd)						(cont'd): audio and video data and files, multimedia files, ephotos, photographic and graphic files and images, and wired or wireless e-mail with or without attached files, ephotos and images, and instruction manuals sold as a unit therewith In Class 42: web site and Internet access site which provides users with wired and wireless access to and the ability to create, enhance, modify, transmit, receive, exchange, store and synchronize information, audio and video data and files, multimedia files, ephotos, photographic and graphic files and images, and e-mail with or without attached files, ephotos and images; computer services, namely providing a web site where users can send and receive greeting cards, memos, faxes, messages and announcements containing ephotos and/or digital images and other attached files or data, photographic and digital photography services, electronic photo and imaging services			

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4-11	EX	75/892,492	Canadian Atlas Furniture Corp.	Simms Walters Drost*	2(d)	Refusal Affirmed		"EDEN" [furniture, namely, chairs, stools, and sofas for use in restaurants and chairs and stools for use in hospitals, public institutions, public places and waiting rooms]	"EDEN" [cushions, bed linens, mattress pads, mattress covers, pillowcases for medical purposes; pillows, cushions, mattresses, and complete beds, namely, bunkbeds; bed linens, linen coverings for featherbeds, pillowcases, blankets, slip-in blankets, comforters, down comforters, mattress covers, mattress cloth, mattress pads, and mattress ticking for use in making mattress cases]	Fletcher	No
4-11	EX	75/795,970	Baseball Express, Inc.	Cissel Hanak Drost*	genericness; 2(e)(1)	Refusal Affirmed		"SOFTBALL SALES" [retail services featuring softball equipment, namely, balls, bases, bats, belts, chest protectors, equipment bags, face protectors, gloves, hats, helmets, jerseys, leg protectors, pants, shoes, and socks, available through catalogs and a global computer network]		Ayala	No

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