

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 8-12, 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
12-9	EX EX	76396894 76396895	PRG Parking Management, L.L.C.	Hairston Walters* Chapman	whether the matter applicant seeks to register functions as a mark for its recited services	Refusal Reversed in both applications		contrasting circles interspersed over the surface of a parking shuttle vehicle (<i>no color claimed</i>) and the color yellow and a series of black circles thereon applied to the entire surface of a parking shuttle vehicle [both marks for providing shuttle van transport service between parking lots and airport terminals; rental of car parking spaces; rental of vehicle parking spaces; parking lot services; rental of parking spaces]		T. Rupp	No
12-9	EX	76070151	Sunshine Distribution Inc.	Hohein Chapman Drost*	2(d), where parties had entered into consent agreement	Refusal Reversed		"RAZORS" [sporting goods, namely, in-line skates]	"RAZOR" (and design) [non-motorized scooters, toy scooters, and model scooters]	Oh	No
12-9	EX	76190599	I.P. International, Inc.	Simms Bottorff Drost*	2(e)(1)	Refusal Affirmed		"1-800-711-CASH" [financial services, namely, wire fund transfers]		Souders	No
12-9	EX	76218850 76218851 76218853	Dewey Data LLC	Hanak* Walters Rogers	2(d)	Refusal Affirmed in all three cases		"DITTOCOPY," "DITTOSWITCH," and "DITTOLINK" [all three marks for computer hardware and computer software used for computer hard disk drive protection, duplication, and recovery]	"DITTO" [computer memory storage devices, namely tape drives; computer memory storage controllers; computer memory storage tape cartridges]	Miller	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
December 8-12, 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
12-9	EX	76253388	Pfizer, Inc.	Cissel Bottorff Drost*	2(d)	Refusal Affirmed		"THE PRIME OF OUR LIVES" [providing educational services, namely, educational programs in the fields of health, health awareness and health issues related to women over the age of forty-five]	"FOR THE PRIME OF YOUR LIFE" [association services, namely, promoting the interests of people in the prime of their lives by providing life skills information in the field of health, finances, career, relationships, recreational activities, spirituality, and the expansion of education backgrounds]	Mathews	No
12-11	EX	78010982	Jaguar DrinkWare	Simms Hohein Bucher*	2(d)	Refusal Affirmed based on all three cited registra- tions		"JAGUAR DRINKWARE" [mugs, drinking steins, and drinking cups in the nature of tumblers for coffee, fountain drinks and other drinkable liquids, all being made of a variety of materials except for precious metals, namely, porcelain, stainless steel, plastic, acrylic and aluminum]	<i>3 cited registrations, all owned by the same entity:</i> "JAGUAR" (and design) [coasters not of paper and not being table linen, mugs, automobile cleaning cloths]; "JAGUAR" (and design) <i>and</i> "JAGUAR RACING" [<i>both marks for</i> drinking steins; beverage glassware; thermal insulated containers for beverages; water bottles, sold empty; portable coolers and tankards not of precious metal]	Weimer	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
December 8-12, 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
12-11	OPP OPP (SJ)	91107800 91107801	Black Box Corp. of Pennsylvania and BB Technologies, Inc. v. Betterbox Communications Ltd.	Bucher Rogers Drost [Opinion "By the Board" (Goodman)]	2(d) [collateral estoppel]	Opposition Dismissed in both cases, based on collateral estoppel [applicant's motion for summary judgment granted]		"BLACK BOX" [catalog for data communication products]; "BLACK BOX" (and design) [electric and electronic data communication apparatus]; <i>and design marks for similar goods</i>	"BETTERBOX" and "BETTERBOX" (and design) [both marks for computer hardware, computer peripherals, and computer modems]		No
12-11	EX	75931074	J. King's Food Service Professionals, Inc.	Hohein* Walters Rogers	2(e)(1)	Refusal Affirmed		"MOUNTAIN BLEND" [coffee]		Loughran	No
12-11	EX	78055793	Bradley J. Holmes	Simms Bucher* Rogers	2(e)(1)	Refusal Affirmed		"5 MINUTE INFIDELITY TEST KIT" [forensic test kits for home use consisting primarily of diagnostic reagents for detecting the presence of semen on any material]		Ludlow	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