

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 11-15, 2004 (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
10-13	EX	75622840	Exel Oyj	Simms Rogers* Drost	2(d)	Refusal Affirmed as to both cited registrations		"NORDIC WALKER" (in stylized form) [exercise equipment, namely, hand-held poles used to enhance the exercise benefits of walking or running]	2 cited registrations, both owned by the same entity: "NORDICTRACK" [cross country ski simulator and exercise unit]; "NORDICTRACK" (in stylized form) [exercise equipment, namely, aerobic exercise equipment, treadmills, stationary cycles, cross country ski simulator machines, elliptical cross trainers, rowing machines, stair climbers, rider-type exercisers, air walker-type exercisers, spot toning exercisers, strength training machines, and stepper exercise machines]	Richards	No
10-13	EX	76458198	Arcat, Inc.	Simms Seeherman Chapman*	2(e)(1)	Refusal Affirmed		"SPECWIZARD" [application service provider featuring software for use in creating specifications for builders and architects]		Vanston	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

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10-13	OPP (R)	91150456	Brainworks, Inc. v. Brainworks LLC	Simms Chapman* Drost	2(d)	Request for Reconsideration Denied (Opposition Sustained)	"BRAINWORKS" [<i>a variety of goods and services, including educational testing and consulting services</i>]	"BRAINWORKS" [therapy and rehabilitation services, namely, biofeedback and neurofeedback services]			No
10-13	EX (R)	76404246	Regina M. Stocco	Hanak Chapman Bottorff*	2(d)	Request for Reconsideration Granted and decision of 3-16-04 vacated in view cancellation of cited registration		"DINING TO MEET YOU" [social introduction agency services]	"DINE TO MEET YOU" [dating services where dinners are arranged for groups of people at restaurants]	Richards	No

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