

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

June 14-18, 2004

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
6-15	EX	76269506	The Children's Museum of Indianapolis, Inc.	Chapman Bottorff* Rogers	whether applicant's specimens show trademark use of its mark	Refusal Affirmed		"Y-?" [publications, namely, a newspaper column consisting of articles of general interest to children, teenagers and young adults]		Cain	No
6-15	EX	76290744	Dial-A-Mattress Operating Corp.	Hanak Walters* Drost	whether applicant is seeking registration of more than a single mark in its application ["phantom mark"]	Refusal Reversed		"1-800-MATTRESS" (with "800" rendered in dotted lines to indicate that applicant makes no claim to that number as a feature of its mark) [telephone shop-at-home retail services and retail store services in the field of mattresses and bedding, namely, sheets, mattress pads and pillows]		Saunders	No
6-16	EX	78134755	Ivanko Barbell Co.	Hanak Bottorff Drost*	2(e)(5) [de jure functionality]; whether the mark, if not functional, has acquired distinctiveness under Sec. 2(f)	Refusal Affirmed on both grounds		a three dimensional configuration of a barbell plate having a raised border at its circumference and seven equal size round holes that surround a central hole having a raised border at its circumference [barbell plate with seven holes]		Sloan	No
6-16	EX	75819436	King Chapman & Broussard Consulting Group, Inc.	Quinn Holtzman Drost*	2(e)(1)	Refusal Affirmed in both classes		"CO-MANAGEMENT" (in upper and lower case lettering) [in Class 35: management consulting to provide organization change consulting and team facilitation; in Class 41: education consulting to provide breakthrough education]		Oslick	No

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6-17	OPP (MR)	91152686	The Dream Merchant Co., Kft. v. Fremonster Theatrical	Simms Bucher Rogers [Opinion "By the Board" (Wellington)]	2(d); dilution	Opposition Dismissed [opposer's motion to reopen discovery and trial periods denied]	"CIRQUE DU SOLEIL" [entertainment and theatrical services and a wide variety of associated merchandise]	"CIRQUE DE FLAMBE" [entertainment services in the nature of circuses]			No
6-17	EX	76409771	Gibson Piano Ventures, Inc.	Hanak* Walters Chapman	2(e)(4)	Refusal Affirmed		"MEHLIN & SONS" [pianos]		Boagni	No
6-17	EX (R)	75916274	Pursell Technologies, Inc.	Simms Cissel Hairston*	2(d); whether applicant's proposed amendment to its recitation of services exceeds scope of original recitation	Request for Reconsideration Denied (Refusal Affirmed on both grounds)		"FARMLINKS" [golf club services] [ <i>proposal to amend recitation to: "golf club services for the public and to showcase fertilizer products"</i> ]	"THE FARM" [recreational services, namely, golf and country club services]	Kim	No
6-18	EX	75750471	Bhagavan Antle	Simms Seeherman* Chapman	2(e)(1)	Refusal Affirmed		"T.I.G.E.R.S. THE INSTITUTE OF GREATLY ENDANGERED AND RARE SPECIES" [educational services, namely, conducting demonstrations and exhibitions to educate and entertain the public about wildlife and the preservation of endangered species]		Winter	No

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6-18	OPP	91123661	Hasbro, Inc. v. Lisa Pinkett	Seeherman Hairston Rogers*	2(d)	Opposition Sustained as to Classes 9 and 28; Opposition Dismissed as to Classes 16 and 25	"TIGER" (and design) [toys, namely, dolls, board games, electronic games, battery operated portable hand-held games with LCD adapters, table-top games, goys with synthetic speech capabilities, and educational games]	"LIL' TIGER" [in Class 9: records, cassette tapes, video tapes, CDs, video discs, laser discs and computer software, all featuring educational and adventure themes for children; tape players, record players, CD players, video disc players; in Class 16: stationery featuring educational and adventure themes for children; in Class 25: clothing, namely, shirts, pants, sweaters, dresses, hats, coats, jackets, caps, rain coats, belts, mittens, gloves, shoes, boots, nightgowns, robes, pajamas, sleepwear, underwear, socks, swimwear, etc.; in Class 28: toys, namely, board games, toy banks, puzzles, squirt guns, toy phones, flying discs, skates, doll houses, make-up kits, toy vehicles, building blocks in the form of geometric shapes, toy jewelry, swing sets and gymnastic apparatus, sand boxes, toy swimming pools, toy wagons and toy wheelbarrows]			No

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6-18	EX	76368480	U-Haul Int'l, Inc.	Quinn Hairston* Bottorff	2(e)(1)	Refusal Reversed		"SUPERGRAPHICS" (in stylized letters) [truck and trailer rental services]		Fine	No

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