

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

**March 15-19, 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
3-16	EX	76290375	MobileAria, Inc.	Simms Hohein Hairston*	2(d)	Refusal Affirmed		“MOBILEARIA” [computer communications software for providing voice-enabled access to the Internet via mobile devices, namely, personal digital assistants, personal computers, wireless telephones, and wireless communication devices]	“ARIA” [computer software for use in voice mail and voice messaging, e-mail, automated attendant, interactive voice response, call processing word processing, fax processing, video and multimedia applications, namely, for integrating voice messaging, e-mail and business applications software, and for GUIs, programming tools and utilities and program development]	Amos	No
3-16	EX	76366419	Gibson Piano Ventures, Inc.	Chapman* Bucher Rogers	2(e)(1)	Refusal Affirmed		“CLASSROOM MANAGER” [computer software for use as a teacher control interface for hardware music teaching systems, for providing a linking environment for other music instructional software; for relating to non-teaching techniques in music education, particularly gradebook usage, for attendance and seating information and for student progress tracking all used in the field of music education]		Wahlberg	No

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3-16	EX EX EX	76197856 76197857 76197858	DTI Partnership, L.L.P.	Hairston Walters Bottorff*	whether applicant complied with requirement for information under Rule 2.61(b); 2(e)(1)	Refusal Affirmed in all three cases under Rule 2.61(b); refusals under 2(e)(1) held moot		"IBLOCK," "IBLOCKS," and "IBLOCK TREND WATCH" [all three marks for computer software used to perform data analysis in the field of demographics]		Micheli	No
3-16	CANC	92031323	Republic Tobacco, L.P. v. Jesus Javier Ruiz Zuazu	Quinn Hairston Bottorff*	2(d)	Petition to Cancel Granted (based on petitioner's proof of priority and likelihood of confusion as to 4 of the 6 registered marks on which it relied)	3 pleaded registrations: "JOB," "JOB" (in a stylized design format), and "JOB" (and a design incorporating lions and a shield) [all three marks for cigarette papers]; and 3 registrations tried by implied consent: "JOB," "JOB" (in stylized lettering) and "JOB" (in stylized lettering with oval design) [all three marks for cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes]	"JOY" [cigarette papers]			No
3-16	EX	76404246	Regina M. Stocco	Hanak Chapman Bottorff*	2(d)	Refusal Affirmed		"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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3-16	EX	78091743	Fame Jeans, Inc.	Sams Walters* Rogers	2(e)(3)	Refusal Reversed		"US WEAR" [clothing, namely, boys and girls sportswear, namely, pants, jumpers, overalls, coveralls and woven and knit shirts and skirts]		Smith; Levy ( <i>on oral argument</i> )	No
3-16	EX	76222866	Mahi Networks, Inc.	Simms Hanak Chapman*	2(e)(1)	Refusal Affirmed		"ZERO DISRUPTION MIGRATION" [ <i>a wide range of telecommunications hardware</i> ]		Madden	No
3-16	OPP	91151811	The Cadence Group, Inc. v. Cadence Media Group, L.C. (L.L.C.)	Quinn Hairston Bottorff*	2(d)	Opposition Sustained	"CADENCE GROUP" [business management and consultation, business research, temporary employment and job placement, and general information clearinghouse services; document and message retrieval and delivery by non-electronic means; computer consulting, library consultation services and legal research services, excluding design of new products for others in the field of electronics, and excluding consulting services in the field of electronic product design and electronic product implementation]	"CADENCE MEDIA GROUP" [graphic art design; multimedia and graphic art design and development services, namely, designing and developing websites, e-commerce businesses, closed-computer networks, extranets, and on-line stores for others]			No

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3-16	EX	75854349	Von Eric Lemer Kalaydjian	Simms Seeherman* Chapman	2(d)	Refusal Affirmed		"AMAZON" [cosmetic preparations, namely, sun screens, sun blocks, skin tanning oils and lotions, wind screens and sunburn relief lotions]	"AMAZONN FLORA" (and design) [cosmetic products for the face and body, namely, eye cream, face cream, face gel, face and body soap]	Donnell	No
3-16	CANC	92032743	Slim N' Trim, Inc. v. Walgreen Co.	Hanak* Chapman Rogers	2(d)	Petition to Cancel Denied	"SLIM," "SLIM FREEZ," "SLIM CHEEZ," "SLIMLINE," "SLIM N' TRIM," and "SLIM N' LIGHT" [all marks for food products, such as non-fat milk, low fat milk, low fat cottage cheese, low fat yogurt and ice milk]	"SLIM FOR LESS" [dietary supplements]			No
3-17	EX	75886511	Elegant Headwear Co., Inc.	Seeherman Quinn* Holtzman	2(d); Section 6 disclaimer requirement (of words STRETCH GLOVES); requirement for information under Rule 2.61(b)	Refusal Affirmed (based on 2(d) and Section 6 disclaimer requirement)		"MAGIC STRETCH GLOVES" [children's gloves in the nature of one size fits all consisting of 95% acrylic spandex]	"MAGIC GLOVE" [fashion gloves for youth]	Rossman	No
3-17	EX	76145027	Good Health Natural Foods, Inc.	Bucher Holtzman Drost*	2(e)(1)	Refusal Affirmed		"VEGGIE CRISPS" [potato chips and snack foods made primarily from potato flour with other vegetable ingredients]		Carty	No

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3-17	EX	76321755	Planalytics, Inc.	Seeherman Quinn Drost*	2(e)(1); whether applicant complied with requirement for information under Rule 2.61(b)	Refusal Affirmed on both grounds		"CORNBUYER" [providing on-line risk management services in the field of pricing and purchasing decisions for corn]		Miller	No
3-17	EX	76276800	Chih An Int'l, Inc.	Hairston Holtzman Drost*	2(e)(1)	Refusal Reversed		"SPEEDRATED" [golf clubs and golf club shafts]		Herman	No
3-17	EX	78058068	Modern Builders Supply, Inc.	Seeherman* Hairston Drost	whether applicant's specimen shows trademark use of its mark on its recited goods	Refusal Affirmed		"MASTERTech" [non-metallic windows and doors]		Cordova	No
3-17	EX EX	78062665 78062671	Modern Builders Supply, Inc.	Seeherman* Hairston Drost	whether applicant's specimen shows trademark use of its marks on its recited goods	Refusal Affirmed		"ENERGYTECH" and "ENERGYWELD" [both marks for non-metal windows and doors]		Gaskins	No
3-18	EX	76123722	Aristocrat Technologies Australia Pty Ltd	Simms Hanak* Rogers	2(e)(4)	Refusal Reversed		"MR CASHMAN" [machines for playing games of chance and parts thereof]		Matthews	No

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3-18	EX	76087228	Pennsylvania State Police	Simms Chapman Rogers*	whether applicant's specimens show trademark use of the mark it seeks to register [mutilation]	Refusal Affirmed		"PENNSYLVANIA STATE POLICE" (and design) [metal key chains; watches; collectible trading card sets; drinking glasses, shot glasses, mugs, coffee cups, travel mugs, commemorative and collectible plates; hats, jacket, shirts, shorts, sweatshirts, sweatpants; miniature model vehicles, sports balls, and Christmas tree ornaments]		G. Lorenzo	No
3-18	EX	76357510	Merillat Industries, Inc.	Seeherman Hohein Bottorff*	2(e)(4)	Refusal Affirmed		"TOWNLEY" [cabinetry, namely, kitchen and bathroom cabinets and cabinet doors]		Goodman	No
3-18	EX	76256771	Am-Gold Products, Inc.	Seeherman Hairston* Holtzman	2(d)	Refusal Reversed		"ROMANCE CUT" [jewelry]	"THE ROMANCE COLLECTION" [jewelry, including rings, bracelets and pendants]	Hall	No
3-19	OPP (SJ) OPP (SJ)	91154096 91154098	Saul Zaentz Co. v. Frodo's Concepts, LLC	Seeherman Hairston Drost [Opinion "By the Board" (Mermelstein)]	whether the opposed applications may be amended to name a different entity as applicant and owner of the marks	Opposition Sustained in both cases [opposer's motion for summary judgment granted]		"FRODO'S PIZZA" and "FRODO'S PIZZA" (and design) [restaurant services]			No

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3-19	EX	76092228	Intermedia Advertising Group, Inc.	Quinn Hohein* Hairston	2(e)(1)	Refusal Reversed		"REWARDTV" [business marketing and consulting services; conducting business research and surveys, promoting the sale of goods and services of others through promotional contests on the Internet; and providing a website which features advertisements for the goods and services of others on the Internet; entertainment services, namely, providing an on-line computer game and providing information on-line about TV programs]		I.A. Clarke	No
3-19	EX	75916274	Pursell Technologies, Inc.	Simms Cissel Hairston*	2(d); whether applicant's proposed amendment to its recitation of services exceeds scope of original recitation	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
3-19	OPP	91101979	Sara Lee Corp. v. Kayser-Roth Corp.	Simms* Walters Bucher	2(d)	Opposition Sustained	"SHEER ENERGY" and "SHEER ELEGANCE" [ <i>both marks for hosiery and pantyhose</i> ]	"SHEER ENDURANCE" [hosiery, including pantyhose]			No

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3-19	EX	75675996	The Piano Technicians Guild, Inc.	Bottorff* Holtzman Rogers	genericness [whether applicant's mark is capable of registration on the Supplemental Register as a certification mark]	Refusal Reversed		"REGISTERED PIANO TECHNICIAN" [certification mark used in connection with a certification program for identifying persons with experience, skill, and knowledge in the field of piano tuning, repair, and maintenance]		Salemi	No
3-19	OPP	91121807	Orion Electric Co., Ltd. v. Orion Electric Co., Ltd.	Simms Walters* Rogers	2(d); fraud	Opposition Sustained on both grounds	"ORION" [video tape recorders and player, TV sets]	"ORION" [display monitors, moniputers, and related accessories]			No

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