

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

May 17-21, 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 |
|-------------|-----------------|-------------------------|------------------------------------|--------------------------|---------|------------------|--|---|---|--------------------|------------------------------|
| 5-17        | EX              | 76263114                | Creative Consortium, Inc.          | Hohein Rogers Drost*     | 2(e)(1) | Refusal Affirmed |  | “ROCK PAPER SCISSORS” [gaming equipment, namely, gaming, gambling or slot machines, with or without video output; multimedia programs and software recorded on CD-ROM, computer game programs and software for individual or network users, interactive multimedia computer game programs and software] |   | Gold               | No                           |
| 5-17        | EX              | 78125912                | Dane, LLC                          | Hanak Holtzman Drost*    | 2(e)(1) | Refusal Affirmed |  | “THE WEB BROWSER” [computer services, namely, providing computer server search engines, excluding a web browser, for obtaining data on a global computer network]   |   | Masterson          | No                           |
| 5-17        | EX              | 76170516                | Great Neck Saw Manufacturers, Inc. | Seeherman Quinn Drost*   | 2(d)    | Refusal Affirmed |  | “TOOLS FOR THE PROFESSIONAL” [ <i>a variety of power tools</i> ]  | “TOOLS FOR PROFESSIONALS” [retail and wholesale store services and mail order catalog services all in the field of hand tools used in building construction and repair] | Gaynor             | No                           |
| 5-17        | EX              | 75150061                | Sarcos Investments LC              | Hairston Holtzman Drost* | 2(e)(1) | Refusal Affirmed |  | “NETCAM” [video and/or still camera and transmitter for transmitting visual and audio information to a remote location for recordation and/or real time display]  |   | Evanko             | No                           |

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| 5-18        | EX              | 76229388                | Allied Resident/<br>Employee Screening Service, Inc. | Seeherman Walters Chapman* | 2(e)(1) | Refusal Affirmed as to both classes |   | "RESIDENTCHECK" [ <i>in Class 36</i> : conducting background investigations for others of potential residents' credit histories; <i>in Class 42</i> : conducting background investigations for others, namely, reviewing employment histories and criminal backgrounds] |  | S. Lawrence        | No                           |
| 5-18        | EX              | 76384885                | Blunt Wrap U.S.A., Inc.                              | Quinn* Walters Bottorff    | 2(d)    | Refusal Affirmed                    |   | "BLUNT MASTER" [clothing, namely, hats, shirts and jackets]   | "BLUNT" [clothing, namely, coats, dresses, footwear, shirts, sweaters, shorts, pants, jackets, underwear, and headwear]  | Leipzig            | No                           |
| 5-18        | OPP             | 91094808                | AT&T Wireless Services, Inc. v. Terry L. Wright      | Hanak* Quinn Holtzman      | 2(d)    | Opposition Dismissed                | "IMAGINE NO LIMITS" and "1-800-IMAGINE" [ <i>both marks for telecommunications services</i> ] | "IMAGINET" [communication services, namely, interactive, multimedia transmission services]  |  |                    | No                           |
| 5-19        | EX              | 76281704                | Christian Des Garets                                 | Simms Chapman* Bucher      | 2(d)    | Refusal Reversed                    |   | "ESSENTIAL DE PERRON RIGOT" [essential oils for personal use, depilatory waxes and preparations, lotions or substances for use in depilatory process]   | "ESSENTIALS" [cosmetics, namely, mascara, foundation, lipstick, blush, face powder, lip liner, etc.; cologne and perfume; skin moisturizing cream, etc.; nail polish, etc.; shampoo, hair conditioner, etc.] | R. McMorrow        | No                           |

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| 5-19        | EX              | 76251568                | Thor Tech, Inc.               | Hanak Chapman Bucher*                                     | 2(e)(1); whether identification of goods is acceptable                                | Refusal Affirmed (on 2(e)(1) ground only)                            |  | "TAXIVAN" [motor vehicles modified for use by able-bodied, physically disabled or otherwise transportationally disadvantaged people, namely, passenger vehicles with wheelchair lifts, ramps, and/or lowered floors, and motor vehicle retrofit conversion packages to modify passenger vehicles with wheelchair lifts] |  | Oh                 | No                           |
| 5-19        | OPP (SJ)        | 91124058                | Robert Bosch GmbH v. Jun Wang | Simms Hairston Holtzman [Opinion "By the Board" (Omelko)] | whether applicant used its mark in commerce before the filing date of its application | Opposition Sustained (Opposer's motion for summary judgment granted) | "BOSCH" [automotive goods and services]              | "BOSHI" [rearview and sideview mirrors for auto vehicles, e.g., automobiles, trucks, buses]   |  |                    | No                           |
| 5-20        | EX              | 75980346                | Northland Seed & Grain Corp.  | Hohein* Hairston Walters                                  | 2(d)  | Refusal Affirmed   |  | "NORTHLAND SEED & GRAIN" [transportation by freight, train and truck and storage of seeds and grain]  | <i>2 cited registrations, both owned by the same entity:</i> "NORTHLAND EXPRESS TRANSPORT" and "NORTHLAND EXPRESS TRANSPORT" (and design) [both marks for freight transportation of goods by truck and freight brokerage services] | Adkins             | No                           |

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