

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

April 19-23, 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 |
|---|-----------------|-------------------------|--------------------------|-------------------------|---------|--|--|---|---|--------------------|------------------------------|
| 4-15**<br>**in-advertently omitted from summary for week of April 12-16, 2004 | EX (R)          | 76231175                | Globe Food Equipment Co. | Simms Hanak* Holtzman   | 2(d)    | Request for Reconsideration Denied (Refusal Affirmed as to both cited registrations)   |  | "CHEFMATE" [power operated, commercial, food service machines, namely, meat slicers, food mixers, and food processors]  | 2 cited registrations, both for the same mark and both owned by the same entity: "CHEFMATE" [kitchen utensils, namely, pots and pans] and [small electric appliances or apparatus for household and home kitchen use, namely, choppers, mixers, peelers, slicers, and dicers] | Alt                | No                           |
| 4-19  | EX              | 76369815                | IdaTech, LLC             | Hanak Hairston Chapman* | 2(e)(1) | Refusal Reversed as to all four classes of goods and services; applicant's offer to disclaim "FUEL CELL" accepted and disclaimer entered |  | "ADVANCED FUEL CELL SOLUTIONS" [in Class 9: electrical power generation equipment, namely, fuel cells, etc.; fuel cell systems and components for stationery and portable electric power generation, etc.; in Class 11: hydrogen-generation equipment and components, etc. in Class 40: custom manufacture of hydrogen-generation and electrical-power-generation products and equipment, etc.; in Class 42: design for others of hydrogen-generation and electrical-power-generation products and equipment, etc.] |   | Cataldo            | No                           |

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|-------------|-----------------|-------------------------|---|-------------------------|-------|----------------------|---|--|---|--------------------|------------------------------|
| 4-19        | OPP             | 91118729                | Aurora Foods, Inc. v. J.S.B. Industries, Inc. | Hanak Chapman Rogers*   | 2(d)  | Opposition Sustained | "LENDER'S" and "LENDER'S BAGELS" (and design) [ <i>both marks for bagels</i> ]                                | "THE ORIGINAL BENDER BAGELS" (in a design format) [bakery products]  |   |                    | No                           |
| 4-20        | EX              | 78101321                | SK Telecom Co., Ltd.                          | Walters Chapman Drost*  | 2(d)  | Refusal Affirmed     |   | "CELLPLAN" [computer software used for the transmission of electronic signals for wireless telephone, computer programs used for the transmission of electronic signals for wireless telephone, computer operating programs, computers, sound wave telegraph sets, carrier relay equipment, pagers and communication servers for computer hardware, wireless telephone, telephone transmitters of electronics signals] | "CELPLAN WIRELESS GLOBAL TECHNOLOGIES" (and design) [telecommunications services, namely, installation and operation of point to point radio systems; design and installation of computer software for use in telecommunications] | Blandu             | No                           |
| 4-20        | OPP             | 91117536                | Mattel, Inc. v. Leonard Stitz                 | Quinn Walters* Bottorff | 2(d)  | Opposition Dismissed | "HOT WHEELS" and a family of marks incorporating the word "HOT" [toy vehicles and related goods and services] | "COOLWHEELS.COM" [computerized on-line retail services in the field of automobile accessories]   |   |                    | No                           |

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|-------------|-----------------|-------------------------|------------------|------------------------|---------|------------------|--|---|--|--------------------|------------------------------|
| 4-20        | EX              | 78041013                | Jay Wilkinson    | Rogers Holtzman Drost* | 2(e)(1) | Refusal Affirmed |  | <p>“DIGITAL IMS” [in Class 35: business management services, namely, managing and organizing databases containing information on employees, customers, vendors, time card systems, scheduling and planning, company news and information; managing and organizing records and documentation for others, including ISO documentation; business management, namely, management and organizing administrative systems for others;</p> <p>in Class 42: computer software design, installation and maintenance, namely, design, installation and maintenance of software applications used for database management and software applications used to manage database information online utilizing the Internet, intranets, extranets, and other related modes of electronic communication, for others; computer services, namely, designing, maintaining and hosting web sites for others]</p> |  | Nadelman           | No                           |

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| 4-21        | OPP             | 91123296                | Diamonique Corp. v. Wieck Family, Ltd.       | Chapman Bucher* Bottorff | 2(d)  | Opposition Sustained | "DIAMONIQUE"<br>[jewelry with simulated gemstones, namely, white and colored simulated gemstones, including simulated diamonds; precious stones, namely, colored and white simulated diamonds for use in jewelry other than school class rings, recognition jewelry and sports award jewelry] | "DIAMONELLE" [jewelry made of precious metals with cubic zirconia with or without semi-precious stones]              |  |                    | No                           |
| 4-22        | OPP             | 91118911                | McDonald's Corp. v. 2Bell B.V.               | Simms Chapman Holtzman*  | 2(d)  | Opposition Sustained | "MCDONALD'S"<br>[restaurant services]; a family of marks incorporating the "MC" formative for restaurant services, food products and a wide variety of other goods and services]  | "MCDATE" [dating services]   |  |                    | No                           |
| 4-22        | EX              | 76263209                | Louisiana Sugar Shack, L.L.C.                | Hohein* Bucher Drost     | 2(d)  | Refusal Affirmed     |   | "SUGAR SHACK"<br>[processed coffee and sugar]  | "SUGAR SHACK"<br>[restaurant and ice cream store services] | Fosdick            | No                           |
| 4-23        | OPP             | 91150525                | Chivas Brothers Ltd. v. Ganador Sports, Inc. | Simms Bottorff* Holtzman | 2(d)  | Opposition Sustained | "CHIVAS REGAL"<br>[Scotch whisky]   | "CHIVAS" [hats, tee shirts, jerseys, shorts, socks, polo shirts, sweatshirts, sweatpants, shoes, underwear, jackets] |  |                    | No                           |

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