

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**March 1-5, 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
3-2	EX	76275674	Diet Fitness Corp.	Hanak Chapman* Rogers	whether applicant's amended recitation of services is within the scope of the original recitation of services	Refusal Affirmed		"TH" (in stylized form) [original recitation of services: "marketing and distribution of diet and motivational plans, programs and products"; amended recitation of services: "education courses in the field of nutrition, and educational literature distributed therewith" in Class 41 and "planning, executing and supervising diet programs by means of group meetings and individual consultations" in Class 42]		Axilbund	No
3-4	EX	78008156	Rugged Footwear Co.	Seeherman Hanak* Quinn	whether applicant's drawing of its mark is a substantially exact representation of the mark shown in applicant's specimens of use (Trademark Rule 2.51(a)(2))	Refusal Affirmed		"IF BY LAND IF BY SEA" [computerized on-line retail services in the field of footwear and clothing]		Suarez	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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
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3-4	EX	76339234	Nuventive, LLC	Hanak* Walters Chapman	2(e)(1)	Refusal Affirmed		"IWEBFOLIO" [computer software for creating and providing selective, user-controlled access to a user's personal electronic portfolio]		Meier	No
3-4	EX	75741384	Wal-Mart Stores, Inc.	Hohein Hairston Walters*	2(d)	Refusal Affirmed as to both cited registrations		"MAIN STREET" [copy paper]	<i>2 cited registrations, both owned by the same entity:</i> "MAIN STREET" [greeting cards, calendar cards and imprinted stationery] and "MAIN STREET" (and design) [imprinted stationery, namely, greeting cards, note cards and postcards; calendars and appointment books; and stationery embossers]	Hayash	No

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