

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

March 22-26, 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
3-23	EX	75932206	H. E. Butt Grocery Co.	Simms Cissel* Seeherman	2(d)	Refusal Affirmed		"BIG COOL BAG" [thermal insulated tote bags for food]	"COOLBAG" (in design format) [thermal insulated containers and tote bags for food or beverage]	Mizelle	No
3-23	EX	76086468	Burlington Coat Factory Warehouse Corp.	Cissel* Quinn Hohein	2(d)	Refusal Reversed		"BCF BURLINGTON COAT FACTORY" (and design) [clothing, namely, sweatshirts, sweatpants, t-shirts, baseball caps and shorts; retail department store services]	2 cited registrations, owned by related companies: "BURLINGTON" (in stylized form) [clothing, namely, suits, sport coats, blazers, coats, jackets, slacks, shorts, shirts, blouses, skirts, dresses, uniforms, sweaters, overalls, vests, jeans, jumpers, ties, rainwear, parkas, headwear, scarves, mufflers, activewear, sweatshirts, sweatpants, warmup suits, cloth bibs, gloves, swimwear, ski apparel, lingerie, boxer shorts, pajamas, sleepwear, robes and underwear] and "BURLINGTON" [hosiery]	Stoides	No
3-23	OPP	91123063	Cristall U.S.A., Inc. v. Stockholm Imports, Ltd.	Cissel* Rogers Drost	2(d)	Opposition Sustained	"CRISTALL" and "CRISTALL" (in stylized lettering) [both marks for vodka]	"STOCKHOLM KRISTALL" [wines, spirits, and liqueurs]			No

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3-23	EX	78059702	Euphonic Audio, Inc.	Cissel* Chapman Drost	2(d)	Refusal Affirmed		“EUPHONIC AUDIO” [musical instrument amplifiers and components therefor, namely, audio speakers, speaker cabinets, speaker enclosures, sound amplifiers, pre-amplifiers, sound processors and modifiers, namely, delay, reverb and distortion effects boxes, both foot operated and speaker head mounted units]	“EUPHONIX” [professional recording studio electronic equipment and machine interface programs, namely, computer-assisted audio mixing systems comprising a mix controller and an audio mainframe, consisting of audio processing modules, controller modules, bar graph meters, audio attenuators, pre-amplifiers, equalizers, auxiliary sends, faders, bus amplifiers, monitor outputs, headphone amplifiers, test-tone oscillators, talk-back microphones and read-only memories]	Verhosek	No
3-23	EX	75439790	Sully's Living Without, Inc.	Simms Hohein Drost*	whether the matter applicant seeks to register functions as a trademark for its goods or is, rather, only ornamental in nature	Refusal Affirmed		“BEWELLRED” [shirts, sweatshirts, sweaters, pants, shorts, sweatpants, caps, hats, coats, jackets, stockings, underwear, robes, sweaters, leotards, leg warmers, tights, tank tops, panty hose, belts, rainwear, jogging suits, lounge wear, pajamas, nightshirts, wristbands, headbands and swimsuits]		Rossman	No

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3-23	EX	76227700	Titan Technologies Int'l., Inc.	Seeherman* Hairston Bucher	2(d)	Refusal Affirmed as to all 3 classes of goods and services		"TITAN TECHNOLOGIES INTERNATIONAL, INC." (and design) [<i>in Class 7</i> : power tools, namely power wrenches; <i>in Class 35</i> : wholesale distributorships featuring power tools, namely, power wrenches; on-line retail store services featuring power tools, namely, power wrenches; <i>in Class 42</i> : technical consultation in the field of power tools, namely, power wrenches]	"TITAN TOOLS" (and design) [oil field hand tools, namely, tongs, wrenches, swivels, flange spreaders, pipe dollies, and wire line guides]	Pappas	No
3-23	CANC	92030340	Longevity Network, Ltd. v. Joel D. Wallach	Simms Bottorff Drost*	2(d)	Petition to Cancel Granted	"LONGEVITY" [nutritional supplements, health and beauty aids, and video and audio cassettes in the field of nutrition]	"AMERICAN LONGEVITY" [nutritional supplements for people]			No
3-23	OPP	91125770	Stellar Technologies, Inc. v. Kenneth Dale Bristow	Holtzman Rogers* Drost	2(d)	Opposition Dismissed (for failure to prove standing and priority)	"STELLAR TECHNOLOGIES" and "STELLAR TECHNOLOGIES" (and design) [<i>both marks for</i> components for implantable heart pacemakers and defibrillators]	"STELLAR TECHNOLOGIES" (and design) [products with the ability, electronically or mechanically, to locate, acquire and transduce sources of energy through electronic circuits and gear assemblies, namely, photovoltaic modules, battery chargers, electric inverters, electronic pulse generators, and frequency detectors]			No

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3-23	EX	76357511	Merillat Industries	Holtzman Rogers* Drost	2(e)(4)	Refusal Affirmed		"MARTEL" [cabinetry, namely, kitchen and bathroom cabinets and cabinet doors]		Goodman	No
3-23	EX	76258424	ForeSight Holdings, Inc.	Simms Bottorff Drost*	2(d); 2(e)(1)	Refusal Affirmed		"KNOWLEDGE INTEGRATION SERVER" [a wide range of specifically identified computer software, including: "computer software for use in database management, document processing, and computer security; computer software for searching, accessing, organizing, storing, manipulating, and managing semantic and hierarchical data structures and heterogeneous data, collections of data and information on a wide variety of computer hardware and across multiple devices," etc.; downloadable electronic publications in the nature of books, magazines, articles, newsletter, manuals, summaries and reports in the field of computer and information technology]	"KNOWLEDGE INTEGRATION" [business operational, organizational and information systems consulting services]	Winter	No

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3-23	EX	78110230	Ritchie Engineering Co., Inc.	Hohein Hairston* Bottorff	2(d)	Refusal Affirmed		"ACCUPROBE" [electronically powered detectors for detecting refrigeration gas leaks within air conditioning systems and refrigeration systems to effectuate repairs to air conditioning and refrigeration systems previously placed into service]	"ACCUPROBE" (and design) [microelectronic sensing probes as component parts of larger equipment]	Hella	No
3-24	EX	75934927	Steelbuilding.com	Walters Rogers Drost*	genericness; 2(e)(1); whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed on all grounds		"STEELBUILDING.COM" [computerized on-line retail services in the field of pre-engineered metal buildings and roofing systems]		Le	No
3-24	CANC	92032305	Bianca Jewelry, Inc. v. Emmi, Inc.	Chapman Rogers Drost*	2(d)	Petition to Cancel Granted	"BIANCA" [jewelry]	"BIANCA" (in stylized lettering) [jewelry consisting of precious metals and gems]			No
3-24	OPP	91115343	Winmark Concepts, Inc. v. Aesthetic Resources, Inc.	Hohein Hairston* Holtzman	2(d)	Opposition Dismissed	"E-MALE" [promoting the goods and services of others directed to male consumers through a global computer network]	"E-MALE" [cosmetics and skin care preparations, namely, cleansers, toners, skin moisturizers, skin lotions for the face and body, body gels, soaps for the hands, face and body, personal deodorants, and body powders]			No

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3-24	EX	76464131	SecureCar, Inc.	Hairston Chapman Drost*	2(e)(1)	Refusal Affirmed		"SECURECAR" [transportation of passengers by armored, bulletproof and other security-enhanced vehicles]		Fine	No
3-25	EX	75537891	Amera Wildflower Rizk	Quinn* Hohein Drost	whether the matter applicant seeks to register functions as a mark for its services; whether the mark in applicant's substitute drawing is a material alteration of the mark in the original drawing; whether applicant's specimens show use of the mark it seeks to register	Refusal Affirmed on all three grounds as to both classes of services		"AMERA WILDFLOWER RIZK" (and design) [<i>in Class 35</i> : modeling for advertising or sales; <i>in Class 41</i> : music, drama and modeling for artists]		Santo-martino	No

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3-25	OPP	91124310	Clairol Inc. et al. v. Lavar Hair Designs LLC	Hanak Quinn* Hairston	2(d)	Opposition Sustained	"ULTRESS" [hair tinting, dyeing and coloring preparations]	"L-TRESS" [shampoo and hair conditioners; hair extensions]			No
3-25	EX	75866912	Berthold Types Ltd.	Quinn* Hohein Bottorff	2(e)(4)	Refusal Affirmed		"WHITTINGHAM" [typeface fonts, namely, alphabet symbols and graphic fonts, recorded on magnetic media for reproduction and duplication for the creation of texts using graphic techniques; digitally stored typefaces, in particular on electric and/or magnetic data carriers, magnetic discs, CD ROMS and diskettes; computer software in the field of desktop publishing; and computer software downloadable from global computer information networks for generation of typefaces and fonts]		Matthews	No
3-26	EX	76256918	SI Corp.	Quinn* Bucher Rogers	2(d)	Refusal Affirmed		"INFORCE" [fibers made of synthetic polymers and of metal for reinforcing Portland cement and concrete]	"EN-FORCE" [reinforcing laminates to structurally strengthen building components and structures, namely, steel, wood and concrete]	E. Martin	No

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3-26	EX	76268929	H. Lundbeck A/S	Hohein Walters Rogers*	2(e)(4)	Refusal Affirmed		"LUNDBECK" [pharmaceutical preparations for use in the treatment of diseases of the central nervous system]		Brown	No
3-26	EX	76268930	H. Lundbeck A/S	Hohein Walters Rogers*	2(e)(4)	Refusal Affirmed		"LUNDBECK" [pharmaceutical preparations for use in the treatment of diseases of the central nervous system; printed instructional teaching materials in the field of diseases of the central nervous system; educational services, namely, seminars, symposia, and course instruction in the field of medicine; medical services]		Brown	No

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