

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
December 27-31, 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
12-23**	OPP (R)	91100786	M.C.A. – Medical and Chemical Agency s.r.l v. Zenna Chemical Industry Co. Ltd. <i>and</i>	Hairston* Walters Bucher	2(d)	Request for Reconsideration Denied (Opposition Sustained)	“TOP-GEL” <i>and</i> “MCA” [skin care products]	“TOP-GEL MCA” (in block letters) [skin cleansing milk, skin cleansing crème, foundation powder and face cream]			No
	OPP (R)	91104047	Zenna Chemical Industry Co. Ltd. v. M.C.A. – Medical and Chemical Agency s.r.l. <i>and</i> M.C.A. – Medical and Chemical Agency S.p.A.		2(d)	Request for Reconsideration Denied (Opposition Dismissed)	“MCA” (in stylized design form) [body cream, cold cream, eye cream, face cream, skin cleansing cream, skin cleansing lotion, medicated skin cream, and vanishing cream, foundation makeup, talcum powder, toilet soap, liquid soap for hands, face and body, perfume, lipstick and lip pomades]	“MCA” (in stylized design form) [skin cream and soap]			

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member \*\*Inadvertently omitted from summary for the week of December 20-24, 2004

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December 27-31, 2004 (continued)**

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12-29	OPP	91122058	Collegetown Relocation, LLC v. Garan Services Corp.	Simms Holtzman* Drost	whether applicant had a bona fide intention to use its mark at the time it filed its application to register; 2(d)	Opposition Dismissed	“COLLEGETOWN” [providing Internet access to a wide range of information involving education and educational institutions]; “COLLEGETOWN RELOCATION” [providing real estate information including availability, locale, and description of properties for sale or lease, demographic information of use to persons planning to move their residence or business]; “COLLEGETOWN” [clothing, namely, hats, shirts, and sweatshirts]	“COLLEGETOWN” [clothing, namely, shirts, tops, blouses, skirts, pants, and jackets]			No
12-30	EX	76213128	Rubimed AG	Hairston Chapman* Holtzman	2(e)(1)	Refusal Affirmed in both classes		“PSYCHOSOMATIC ENERGETICS” [in Class 16: printed instructional, educational, and teaching materials in the field of naturopathy, empirical therapeutics and holistic medicine; in Class 42: medical services, namely, medical care in the field of naturopathy, empirical therapeutics and holistic medicine]		Richards	No

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12-30	OPP (R) CANC (R) CANC (R)	91108265 92027073 92029665	H-D Michigan, Inc. v. Boutique Unisex El Baraka, Inc. and 3222381 Canada, Inc.	Simms Hairston* Walters	2(d); fraud [asserted in all three proceedings]  abandonment [asserted only in the two cancellation proceedings]	Request for Reconsideration Denied (Opposition Sustained as to all classes of goods but on 2(d) grounds only and Both petitions to Cancel Granted as to all classes of goods on 2(d) grounds and on grounds of abandonment)	"HARLEY-DAVIDSON SCREAMIN' EAGLE PERFORMANCE PARTS" (and eagle design) [motorcycle parts and accessories; belt buckles; baseball caps; pins, lighters; patches/emblems]	<b>91108265</b> --"SCREAMING EAGLE" [in Class 14: jewelry, namely, pendants, earrings, bracelets, rings, brooches; in Class 16: posters; in Class 18: wallets, handbags, satchels, cyclist bags, key cases; in Class 21: beer mugs; in Class 25: undershirts, shorts, swimsuits, dresses, skirts, pajamas, caps, scarves, head-bands; crest; leather skirts and coats, caps; eye shades; and jeans] <b>92027073</b> --"SCREAMING EAGLE" [in Class 21: coffee mugs; in Class 25: t-shirts, belts, sweat-shirts, pants; leather jackets] <b>92029665</b> --"SCREAMIN' EAGLE" [in Class 18: wallets, handbags, satchels, cyclist bags, key cases, purses; in Class 25: belts, sweatshirts, pants, jeans, camisoles, shorts, bathing suits, dresses, skirts, pajamas, caps, hats, visors, scarves, head-bands, wristbands; leather skirts, jackets, coats, pants, gloves and boots; in Class 26: belt buckles not of precious metal; brooches not of precious metal]			No

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12-30	EX	76297319	Lidl Stiftung & Co. KG	Simms* Chapman Holtzman	2(d)	Refusal Affirmed in both classes as to both cited registrations		"STEAKCOUNTRY" [ <i>in Class 29</i> : meat, frozen meat; meat products, namely, roast, burgers, minced meat beef, meatballs, meat salad, also deep frozen; prepared meals consisting primarily of meat with the addition of vegetable, farinaceous pastes, potatoes, and/or rice; <i>in Class 30</i> : prepared meals consisting essentially of vegetables, farinaceous pastes, potatoes and/or rice; with the addition of meat and also deep frozen]	<i>2 cited registrations, both owned by the same entity: "STEAKCOUNTRY" and "STEAKCOUNTRY" (in stylized lettering) [both marks for restaurant services]</i>	DuBois	No

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