

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 2-6, 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
2-3	CANC (MR)	92032495	Flageoli, Ltd. v. Mayron	Simms Bucher Rogers [Opinion "By the Board" (Wellington)]	2(d); dilution; petitioner's motion to reopen after its failure to file a brief	Petition to Cancel Denied (petitioner's motion to reopen denied; judgment on the merits entered in favor of respondent)	"SERIOUS E" [skin care products, namely, facial creams, lotions, and moisturizers]	"SERIOUS MOISTURE" [cosmetic and personal care products, namely, hand creams, body creams, oral hygienes in the nature of mouthwash, skin fresheners in the nature of toners, body sports crèmes, solid perfume sticks, non-medicated lip balm, face balms and body soaps]			No
2-3	EX	78089697	Intercorr Int'l.	Quinn* Hohein Drost	2(d)	Refusal Affirmed		"CORRMETER" [electronic instruments, namely, sensors, analyzers and processors useful with data acquisition and control systems for monitoring and processing data regarding various electrochemical phenomena, namely, modality data, pitting factors, scaling factors, and corrosion rates]	"CORROSOMETER" [electrical instrument to measure in millionths of an inch the progress of corrosion on tested specimens]	Milton	No
2-3	OPP	91121069	Bonne Bell, Inc. v. Smack, Inc.	Hanak* Hairston Walters	2(d) [whether opposer properly made of record any evidence in support of its case]	Opposition Dismissed	"SMACKERS" [cologne and other goods]	"SMACK" [cologne, etc.]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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2-5	EX	76169360	Michele A. Olsen	Simms Seeherman* Bottorff	Section 6 disclaimer requirement (of the term ENERGY ARCHITECTURE)	Refusal Affirmed		"ENERGY ARCHITECTURE CREATING ENVIRONMENTS TO EMPOWER PEOPLE" [architectural design services for business and consumers, namely, preparation and analysis of interior and exterior designs of space using energy point information]		Hughitt	No
2-5	OPP OPP	91107026 91107748	Kevin T. McCarney v. Una Mas, Inc.	Seeherman Chapman Drost*	2(d)	Opposition Dismissed in both cases	"POQUITO MAS" [restaurant services]	"UNA MAS" and "ONE IS GOOD, BUT UNA MAS IS BETTER" [both marks for restaurant services]			No
2-5	OPP	91150901	Vetronix Corp. v. American Financial Warranty Corp.	Seeherman* Chapman Drost	2(d)	Opposition Dismissed	"MASTERTECH" [hand held tester for automobile electronic systems]	"MASTERTECH VEHICLE PROTECTION PROGRAM" (and design) [vehicle service contracts, namely, agreements covering breakdown or failure in which a vehicle dealer will provide repairs to the purchaser's vehicle, which contracts are insured and ordinarily financed as part of the purchase of a vehicle]			No

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2-6	OPP (R)	91116821	Central Mfg. Inc. v. Astec Industries, Inc.	Walters Bucher Rogers*	2(d); 2(e)(1); whether applicant had bona fide intention to use its mark as of the filing date of its application; fraud; ownership of the mark	Request for Reconsideration Denied (Opposition Dismissed on the merits; and judgment entered against opposer as a sanction for abuse of Rule 11)	"STEALTH" [rakes and shovels used for asphalt paving <i>and other goods and services</i>]	"STEALTH" [asphalt paving machine]			No

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