

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**May 3-7, 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
5-4	EX	76345344	Diamond Machining Technology, Inc.	Quinn Bucher* Drost	genericness; whether, if not generic, mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed on ground that mark is merely descriptive and without acquired distinctiveness under 2(f)		"DIAMOND WHETSTONE" [whetstones for sharpening, honing, deburring and abrading]		Straser	No
5-5	EX	76394362	3522806 Canada Inc.	Seeherman Quinn* Drost	whether the matter applicant seeks to register functions as a service mark or merely as the title of a single creative work	Refusal Affirmed		"ULALENA" (in stylized lettering) [entertainment in the nature of theatre productions]		Goodsaid	No
5-6	EX	76374859	Stuller, Inc.	Simms Quinn Walters*	2(e)(1)	Refusal Affirmed		"OCTET" [jewelry, namely, rings and gemstone settings]		Stoides	No
5-6	EX	76311622	Sierra Design Group	Hanak Hairston* Rogers	2(e)(1)	Refusal Reversed		"CASINO MERCHANDISING TECHNOLOGY" [networked gaming system comprising gaming machines and accounting and gaming software]		Fink	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**  
**May 3-7, 2004 (continued)**

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5-6	EX	76428192	Wellness Lifestyles Inc.	Hanak* Hairston Bucher	2(d)	Refusal Affirmed		"BEYOND JUICE" [nutritional supplements, namely, concentrated fruit and vegetable extracts in powder form]	"BEYOND JUICE 'A MEAL IN A CUP'" (and design) [nutritional supplements, namely, nutritional fruit based drinks with added vitamins and minerals]	Powers	No

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