

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
April 5-9, 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
4-5	EX	75673450	Trafalgar Holdings, Inc.	Seeherman Hanak Holtzman*	2(d)	Refusal Affirmed as to all classes of goods and services		<p>“SUN AIRWAYS” [in Class 9: computer software for cargo transportation and travel planning and reservations; in Class 16: brochures, etc. relating to travel; and a variety of other goods; in Class 21: mugs, plastic cups and beverage glassware; in Class 25: various clothing items; in Class 34: cigarette lighters and matches; in Class 35: retail services available on board on airline flights featuring cosmetics, perfume and liquor; in Class 36: credit card services for payments of various travel expenses; issuing credit cards; in Class 39: transportation of persons, mail and freight by air; warehouse storage services and freight forwarding services; arranging tour packages, public charters by plane, car rental and transportation booking services; and other services; in Class 41: leasing airport space and aircraft equipment for</p> <p><i>(continued next page)</i></p>	<p>“SUN AIR” (and design) [airplane and helicopter charter services, namely, providing air transportation for government and industrial personnel and equipment, air shuttle transportation for executives, and flightseeing excursions; flight instruction and training]</p>	Hall	No

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

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								<i>(cont'd from previous page):</i> videotape and film production; educational services in the airline and transportation industries; operating airport lounge facilities; arranging for tickets, reservations, etc. for entertainment for airline customers; producing TV programs about travel for cable TV; <i>in Class 42:</i> arranging hotel accommodations, restaurant services, etc. for air travelers; airport restaurant services; lodging booking services]			
4-8	OPP	91122818	Chicago Mercantile Exchange, Inc. v. Globix Corp.	Simms Chapman* Bottorff	2(d)	Opposition Dismissed	“GLOBEX” <i>in Class 41:</i> conducting courses, seminars, and computerized training in trading contracts for securities, commodities, and monetary and financial instruments on a futures exchange; <i>in Class 36:</i> conducting commodities, securities, monetary and financial instrument futures and options exchange services; <i>and common law use of “GLOBEX” for computer “help desk” services]</i>	“GLOBOX” [in Class 9: computer stand and storage cabinet specifically designed for holding computers and accessories; in Class 20: computer furniture and computer storage systems comprising storage racks and furniture partitions]			No

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4-8	OPP OPP OPP	91117543 91117620 91123117	Chicago Mercantile Exchange, Inc. v. Globix Corp.	Simms Chapman* Bottorff	2(d)	Opposition Dismissed in all three cases	"GLOBEX" [<i>in Class 41: conducting courses, seminars, and computerized training in trading contracts for securities, commodities, and monetary and financial instruments on a futures exchange; in Class 36: conducting commodities, securities, monetary and financial instrument futures and options exchange services</i>]	"GLOBIX COMMUNICATIONS," "GLOBIX CORPORATION," and "GLOBIX" [<i>all three marks for: in Class 35: wholesale distributorships, retail store services and on-line retail store services featuring hardware; in Class 36: leasing space for computer hardware used by others in hosting websites; in Class 41: training in the use of computer hardware and software in connection with Internet access; in Class 42: providing multiple user Internet access for the transfer and dissemination of a wide range of information; computer consulting, installation of computer software and technical support; and other services</i>]			No
4-8	OPP	91113921	Citicorp v. Morley Companies, Inc.	Simms Hohein* Chapman	2(d)	Opposition Sustained	"CHOICE" [credit card services]	"CHOICES UNLIMITED" [debit card services]			No

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4-9	EX EX	75825851 75825852	Fetal Fotos, Inc.	Chapman Bucher* Holtzman	genericness [whether applicant's marks are capable of registration on the Supplemental Register]	Refusal Affirmed in both cases and in all classes		"FETAL FOTOS" [<i>in Class 9</i> : pre-recorded videocassettes featuring photographic images of a fetus; <i>in Class 16</i> : photographic prints of images of a fetus] <i>and</i> "FETAL FOTOS" [<i>in Class 42</i> : providing visual images of a fetus through ultrasound]		Mays	No

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