

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 6-10, 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
9-7	EX	76091230	Safeco Financial Institutions Solutions, Inc.	Simms Seeherman Chapman*	2(d)	Refusal Affirmed as to all five cited registrations		"ORION" [policy management system accessible over the Internet for on-line computerized tracking of insurance coverage]	5 cited registrations, all owned by the same entity: "ORION," "ORION CAPITAL" (and design), and "ORION SPECIALTY" (and design) [all three marks for, inter alia, insurance consulting services, namely, evaluation of insurance programs of others in order to analyze current or potential risks, recommend corrective actions and to conduct follow-up assessments for containing risks and to conduct insurance-related programs]; "ORIONAUTO" [insurance claims administration]; "ORION AUTOLINK" [computer programs and software that may be downloaded from, or accessed on a global or other computer network for use in insurance administration, etc.]	R. McMorrow	No

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

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9-7	EX	76446011	Captn's Pack Products, Inc.	Simms* Seeherman Bottorff	2(d)	Refusal Affirmed		"BLACK JACK" (and design) [frozen raw shrimp]	"BLACKJACK BURGER" [beef burgers]	Amos	No
9-7	EX	75856030	Avanti Motor Corp.	Quinn* Hairston Drost	2(d)	Refusal Affirmed		"STUDEBAKER" [automobiles]	<i>2 cited registrations, both owned by the same entity:</i> "STUDEBAKER DRIVERS CLUB" and "THE STUDEBAKER DRIVERS CLUB INC." (and design) [both marks for association services, namely, promoting the general interests of those interested in antique cars]	Nelson	No
9-7	EX	76167220	Trustmark National Bank	Simms* Hanak Walters	2(d)	Refusal Reversed		"YOURMARK" [banking; investment brokerage, management, advice and consultation; insurance brokerage, administration, underwriting and consultation services]	"LEAVE YOUR MARK" [financial investments in the field of securities; financial and investment management and consultation services]	Stine	No
9-7	EX	75941977	ProMark Brands Inc.	Seeherman Quinn* Bottorff	2(d)	Refusal Reversed		"NATURE'S GOODNESS" (and design) [baby food]	"NATURE'S GOODNESS" [dietary supplements, vitamins and minerals, and herbs, botanicals, extracts, concentrates, constituents and combinations for use as dietary supplements]	Goodsaid	No

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9-7	EX	76494125	Jim Douglas and David Watson	Quinn* Bottorff Holtzman	2(a) [immoral or scandalous matter]	Refusal Affirmed		"THE BEARDED CLAM" [restaurant services]		Kovalsky	No
9-8	OPP (R)	91110915	R.C.S. Periodici S.p.A. v. Max H. Schwartz	Simms Quinn Hairston*	2(d)	Request for Reconsideration Denied (Opposition Sustained)	"MAX" [adult entertainment magazines; "MAX GENERATION" [general feature magazines, entertainment magazines, computer magazines, travel magazines, and technical magazines]	"MAX MAGAZINE" (and design) [magazine expressly for readers over thirty years of age featuring topics about their lifestyles and on medicine, health, and diet]			No
9-8	EX	78058216	Candy Bouquet Int'l., Inc.	Seeherman Quinn* Holtzman	genericness; whether applicant's mark, if not generic, has acquired distinctiveness under Sec. 2(f)	Refusal Affirmed		"CANDY BOUQUET" [retail, mail, and computer order services in the field of gift packages of candy]		Wood	Yes
9-8	EX	76379678	Keith W. Carmichael	Hanak Hairston Walters*	2(d)	Refusal Affirmed		"LEGEND LESPEDEZA" [common or striate Lespedeza (Kummerowia striata) seed used by pasture owners or managers for growing forage for livestock consumption]	"LEGEND" [grass seed mixtures]	Beverly	No
9-8	EX	78175476	Julie White	Hohein Walters Rogers*	2(a) [false suggestion of a connection]	Refusal Affirmed		"APACHE" [cigarettes]		Faint	Yes

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9-9	EX	76373720	Towle Mfg. Co.	Simms Quinn Holtzman*	2(d)	Refusal Affirmed as to both cited registrations		"CHARLESTON" [sterling silver plated flatware, namely, forks, knives and spoons]	<i>2 cited registrations, both owned by the same entity, for the mark "CHARLESTON GARDENS" [candles; outdoor furniture, lawn furniture, living room furniture, dining room furniture, sun room furniture; dinnerware] and [containers for plants and flowers, etc.; beverage glassware; tabletop decorative items not of precious metal, namely, serving bowls, covered casseroles, cake stands, teapots, and platters, etc.; napkin rings, place card holders, salt and pepper shakers, candle holders; serving trays not precious metal; garden gloves]</i>	Keam	No
9-9	EX	75407763	Leiner Health Services Corp.	Hanak* Hohein Rogers	2(d)	Refusal Reversed		"NATURE'S ORIGIN" [vitamins and dietary supplements]	"ORIGIN" [vitamins, minerals and other health food supplements consumed primarily for their vitamin or mineral content]	Brown	No

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9-9	EX	76451248	Todson, Inc.	Seeherman Hanak* Bottorff	2(d)	Refusal Affirmed		"BRUTE" [bicycle locks]	"THE BRUTE" [locks]	Kon	No
9-10	EX	78122490	Skin Within Services, Ltd.	Seeherman* Walters Rogers	2(d)	Refusal Reversed		"SKIN WITHIN" [cosmetics, namely, skin care lotions and creams and non-medicated skin care preparations]	"WITHIN" [cosmetics, namely, perfume, eau de perfume, cologne, skin, hand, and body lotions and crèmes, face and dusting powder, and toilet preparations, namely, toilet water, bath oils, non-medicated bath salts, bath crystals, talcum powder, shampoos, perfumed soaps, and bath and shower gels]	Hella	No
9-10	EX	78145333	Kiss My Face	Seeherman* Chapman Bottorff	2(d)	Refusal Affirmed as to both cited registrations		"CLOSE ENCOUNTER" [skin moisturizing shaving cream, after shave lotion, body and facial lotions, personal deodorants, facial scrubs, facial cleansers, facial cream, liquid soaps for hand and face and body, hair shampoos and hair conditioners, shower gels, bath foam, and skin soap]	2 cited registrations, both owned by the same entity, for the mark "ENCOUNTER" [face, hand, and body lotion; bath and shower gel; talcum powder; face, body, and hand soap] and [perfume and cologne]	J. Dwyer	No
9-10	EX	75667475	Blue Grotto Media, Inc.	Simms Seeherman* Quinn	2(d)	Refusal Affirmed		"BLISS!" [on-line website in the field of weddings, wedding preparation, engagement and wedding parties and engagement and wedding gifts]	"BLISS GIFT & BRIDAL REGISTRY" [gift and bridal register services and distributorship services in the field of bridal gifts]	Kline	No

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9-10	OPP	91122996	Express Mortgage Lenders of America, Inc. v. Mortgage Express, Inc.	Simms Hairston Holtzman*	2(d)	Opposition Sustained	"EXPRESS MORTGAGE BROKERS, INC. SPEEDY CASH "(and design) [mortgage brokerage services]	"EXPRESS MORTGAGE" (and design) [mortgage loan services]			No

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