

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 8-12, 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
3-8	OPP	91124582	GTFM, Inc. v. Teresa Shaw Sheard	Simms Bottorff* Rogers	2(d)	Opposition Sustained	"F.U.B.U.," "FUBU" (and design), and "FUBU JEANS" (in stylized form) [all three marks for sweatshirts, shirts, jeans, jackets, coats, sweatpants, slacks, suits, hats, headbands, visors, caps, dresses, shoes, sneakers, boots, wristbands, socks, t-shirts, belts, undergarments, neckties, dress shirts, collared shirts, rugby shirts, knit shirts, shorts and sandals]	"FUFU VAROOM" (and design) [women's motorcycle clothing and accessories, namely, shirts, sweatshirts, hats, biker cuffs, leather jackets and pants]			No
3-8	EX	76238187	Cris E. Pasto	Simms Quinn Chapman*	2(d)	Refusal Affirmed		"RES-Q-JACK" [emergency equipment, namely, a vehicle stabilization system comprising stands for hand jacks, connectors, pins, straps, fittings and tubing]	"RES-Q-RENCH" [multipurpose emergency manually operated tools, namely, wrenches, glass breakers, pry bars, and cutters]	Oh	No
3-9	EX	78137840	Group Health Service of Oklahoma, Inc.	Quinn* Hairston Bottorff	2(e)(4)	Refusal Affirmed		"CHISHOLM ADMINISTRATIVE SERVICES" [insurance services, namely, Medicare program administration, and benefits administration]		Perkins	No
3-9	EX	76357504	Merillat Industries, Inc.	Cissel* Quinn Bottorff	2(e)(4)		"BENTLEY" [cabinetry, namely, kitchen and bathroom cabinets and cabinet doors]			Goodman	No

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3-9	OPP	91120414	TYR Sport, Inc. v. Datanation, LLC	Chapman Rogers* Drost	2(d)	Opposition Sustained	“TYR” [clothing, namely, t-shirts, shorts, bike shorts, fitness shorts and warm up tights, swimwear, namely, swimsuits, swim caps, bathing suits and bathing trunks; swim accessories, namely, goggles, hand paddles, training paddles, kick boards, nose clips, and ear plugs; <i>and a variety of other clothing, swimwear and swimming products</i>]	“ZYR” [apparel, namely, pants, shirts, t-shirts, headwear, jackets, sweaters, polo shirts, underwear, sweat pants; baby clothes, namely, bonnets, bibs, undershirts, t-shirts, pants]			No
3-9	EX	76160862	Ole K. Nilssen	Simms Hairston* Walters	whether applicant's identification of its goods is sufficiently definite	Refusal Affirmed in both classes		“SIGMALON” [<i>terms held indefinite in Class 9 identification: electrical power distribution networks; uninterruptible power networks; centralized uninterruptible power networks; distribution networks; fire-initiation-safe electrical networks; term held indefinite in Class 11 identification: electrical power distribution networks</i>]		Thompson	No

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3-9	EX	76222858	TBH Marks, Inc.	Hairston* Bucher Bottorff	2(d)	Refusal Affirmed		"LIP REDEEMER" [lipstick, non-medicated lip care preparations and lip foundation]	"PERM REDEEMER" [hair conditioner for conditioning chemically treated hair susceptible to brittleness, said conditioner being absorbable by the hair shafts of said chemically treated hair]	Fink	No
3-9	EX	76339766	Primal Elements, Inc.	Seeherman Quinn Chapman*	2(e)(1); whether applicant's identification of goods is sufficiently definite	Refusal Affirmed on 2(e)(1) ground only		"BOTANICALLY BASED" [candles, candle wax and candle component, such as wicks]		Michos	No
3-10	OPP	91115985	American Pharmaceutical Ass'n. v. American Association of Pharmaceutical Scientists	Cissel Walters* Holtzman	2(d)	Opposition Sustained	"JOURNAL OF PHARMACEUTICAL SCIENCES" and "J. PHARM SCI" [peer-reviewed periodical in the field of pharmaceutical sciences]	"AAPS PHARMSCI" [computer services, namely, providing an on-line journal of interest to researchers in the pharmaceutical and drug field]			No
3-10	EX	76180997	Big Red Machine Motorcycle Co., Inc.	Walters Chapman* Drost	2(d)	Refusal Reversed		"BIG RED MACHINE" [motorcycles]	"BIG RED" [structural parts for three-wheeled utility and recreational all-terrain vehicles]	Fink	No

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3-10	EX (R)	75753445	Rath	Simms Hohein* Walters	2(e)(4)	Request for Reconsideration Denied (Refusal Affirmed)		"DR. RATH" [nutritional supplements; veterinary preparations, namely, nutritional supplements; books, newspapers, and journals in the fields of healthcare and nutritional supplements; educational services, namely, conducting classes, etc., in the fields of healthcare and nutritional supplements; providing health information in the field of healthcare and nutritional supplements; medical consultation services in the field of healthcare and nutritional supplements]		Levine	No
3-10	EX (R)	75753597	Rath	Simms Hohein* Walters	2(e)(4)	Request for Reconsideration Denied (Refusal Affirmed)		"RATH" [nutritional supplements; books, newspapers, and journals in the fields of healthcare and nutritional supplements; agricultural seeds, etc.; educational services, namely, conducting classes, etc., in the fields of healthcare and nutritional supplements; publication of books, newspapers, and journals]		Smith	No

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3-10	EX	78120762	AbleNet, Inc.	Quinn Hairston* Rogers (D)	2(d)	Refusal Reversed		"ABLENET BOOK WORM" (and design) [electronic educational device with sound recording and play-back units and a plurality of switches for use in combination with a book, to provide audible play-back of text read from a designated page or facing page of the book]	"BOOKWORM" [electronic hand-held Braille reading device used for translating Braille]	Blohm	No

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