

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**August 15-19, 2005**

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
8-16	EX	76462786	Northern Safety Co., Inc.	Hohein* Holtzman Rogers	2(d)	Refusal Affirmed, but only as to the cited mark "NORTHERN" in standard characters		"NORTHERN SAFETY CO., INC." (and design) [retail and wholesale store services in the field of industrial and safety equipment, products and supplies via a catalog, mail orders and the Internet]	<i>4 cited registrations, all owned by the same entity:</i> "NORTHERN TRACTOR & POWER" (and design) [retail stores services and mail order catalog services in the field of tractors, forklifts, machinery, hydraulic equipment, gas generators, <i>and other goods</i> ]; "NORTHERN" [retail store services and mail order catalog services in the field of hand tools, electric power tools, hydraulic equipment, turbines, gas generators, material handling products, painting accessories, lighting products, pressure washers, work clothing, gloves, <i>and many other goods</i> ]; "NORTHERN TOOL & EQUIPMENT CO." (and design) <i>and</i> "NORTHERN TOOL & EQUIPMENT CO." (in design format) [both marks for services similar to those listed above]	Watson	No

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8-18	CANC	92042736	Essential Medical Supply, Inc. v. Invacare Corp.	Hairston* Walters Walsh	2(d); affirmative defense of laches	Petition to Cancel Granted	"ESSENTIAL MEDICAL SUPPLY, INC." (and design) [wheelchair cushions]	"ESSENTIAL" [wheelchair cushion]			No
8-18	OPP	91154055	Blue Man Productions, Inc. v. Erich Tarmann	Seeherman* Bucher Holtzman	2(d); dilution	Opposition Dismissed	"BLUE MAN GROUP" [entertainment services in the nature of live musical and theatrical performances; musical sound recordings; decorative magnets; postcards and posters; hats, t-shirts, sweatshirts; mugs; watches, ornamental pins; jackets and caps; prerecorded videos]	"BLUEMAN" [tobacco, smokers' articles, namely, cigarettes]			Yes
8-18	EX	76433850	Waste Management, Inc.	Quinn Hohein* Kuhlke	2(d)	Refusal Affirmed		"WASTEMASTER/ALIVE" [a commercial hauling control and monitoring system comprising computer hardware, computer software, electronic hardware and encoded smart cards that track, control, and maintain hauling activities to ensure hauler accountability, driver compliance, and the safety, weight, time and location of product loading, transfer and delivery]	"WASTEMASTER" [waste compactor fullness and usage monitoring and communications system comprising electronic remote sensors for tracking usage, detecting waste fullness levels and providing notification of such conditions to user, hauler, servicer and seller, via facsimile, computer or pager]	Vanston	No

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8-18	CANC CANC CANC CANC CANC	92030168 92031424 92031728 92031786 92031877	Simi Winery, Inc. and Franciscan Vineyards, Inc. v. Mr. Container and Simi Global Corp.	Seeherman* Quinn Walsh	2(d)	Petition to Cancel registration of mark SIMI (in stylized form) [Canc. No. 92031424] Granted;  All four other Petitions to Cancel Dismissed	"SIMI" [wines; merchandise sold through petitioner's visitor center, including: wine, clothing, corkscrews, coasters, bread boards, olive oil, wine vinegar]	"SIMI" [beverages, namely, powdered soft drink mix];  "SIMI" (in stylized form) [breakfast foods, beverages, staple foods, condiments, and seasonings, namely, spices, pasta, pastries, vinegar, relishes, breakfast cereal, yeast, baking powder, and baking soda];  "SIMI TI MOTO" [seasoning];  "SIMI DOCTOR" [baking soda];  "SIMI" [food seasonings, namely, bouillon cubes containing meat/poultry/vegetable extracts]			No
8-18	CANC (SJ)	92043178	Club Amenities, LLC v. Pettenon Cosmetici snc	Quinn Kuhlke Walsh [Opinion "By the Board" (Goodman)]	2(d)	Petition to Cancel Granted (Petitioner's motion for summary judgment granted)	"ALTER-EGO" [beauty products, including hair shampoos and hairspray and related hair care products]	"ALTER EGO" (in stylized lettering) [hair fixing foams, hair sprays, hair fluid gels, hair lotions, hair creams, shampoos, hair oils, hair masks, hair powder, stabilized hydrogen peroxide for hair, coloring creams, permanents, curative lotions, namely, non-medicated hair lotions; lotions to prevent hair loss]			No

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8-18	EX	75982336	Zuffa, LLC	Hairston Chapman* Drost	2(e)(1) [genericness]; whether, if not generic, applicant's mark is registrable under Section 2(f)	Refusal Reversed [mark is registrable under Section 2(f)]		"ULTIMATE FIGHTING" [entertainment services, namely, live stage shows and performances featuring sports and mixed martial arts]		Lee	No
8-18	EX	78262721	Rocheux Int'l. of New Jersey, Inc.	Walters Chapman* Kuhlke	genericness [whether applicant's mark is registrable on the Supplemental Register]	Refusal Reversed		"SYNTHETEK" [synthetic paper]		Boulton	No
8-18	EX	76202254	Robin Sullivan	Chapman Grendel* Holtzman	whether applicant's mark has become distinctive through use in commerce and, therefore, is registrable under Section 2(f)	Refusal to register under Section 2(f) Reversed (but applicant is required to submit a Section 6 disclaimer of the words TRAFFIC LAW)		"TRAFFIC LAW CENTER" [legal services]		Kim	No

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8-19	EX	76438209	Flowery Beauty Products, Inc.	Quinn Walters Grendel*	2(d)	Refusal Affirmed		"SWEDISH CLOVER" [pedicure implement, namely, foot file for removing calluses]	"CLOVER" (and packaging design) [pedicure sets]	Watson	No
8-19	EX	78266924	Hantech Corp.	Hairston Walters Holtzman*	2(d)	Refusal Affirmed		"LIQUATEC" (in stylized lettering) [water treatment equipment components, namely, sediment cartridges, carbon block cartridges, granular activated carbon filters, membrane housings, membranes, pressure gauges, filter housings, pressure vessels, reverse osmosis tanks, and reverse osmosis systems]	"LIQUITECH" [liquid purification units, namely, water purification systems]	Blohm	No

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