

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 19-23, 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
12-20	EX	78224345	Stahlbush Island Farms, Inc.	Hohein* Walters Kuhlke	2(d); 2(e)(1)	Refusal under 2(d) affirmed; refusal under 2(e)(1) reversed		"FARMERS MARKET" ["canned and frozen fruit and vegetables sold through supermarkets and other retail grocery outlets"]	"THE FARMERS MARKET" ["roasted nuts; processed garlic used as a vegetable, not seasoning; processed artichokes; candied nuts; processed pumpkin seeds; candied fruit; processed sunflower seeds; yogurt covered raisins; dried soybeans; salads, except macaroni, rice and pasta salad; and cole slaw," in Class 29; "minced garlic; croutons; and bread sticks," in Class 30; "fresh nuts; raw and fresh vegetables; fresh herbs; fresh mushrooms; and fresh fruits," in Class 31; and "apple cider," in Class 32]	Bracey	No

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

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12-21	EX	78301159	Central Bank of Alva	Hairston* Bucher Zervas	2(d); refusal applied only to one of three classes in application	Refusal Affirmed; application will proceed in classes not refused		"BANCCENTRAL, NATIONAL ASSOCIATION" [various services related to banking; financial exchanges, guarantees, forecasting, management, planning, portfolio management, research, some provided on-line; financial sponsorship of nonprofit organizations; financial statement preparation and analysis; financial valuation of personal and real property]	"BANK CENTRAL" [telephone banking services]	Webster	No
12-21	OPP	91124138	Nation/ Ruskin, Inc. v. Nice-Pak Products, Inc.	Quinn* Drost Walsh	2(d)	Opposition Sustained	EZ-ONE [variety of cleaning items, including soft cleaning cloths, terry cloth towels, cheesecloth, cleaning rags, chamois for cleaning, sponge cloths, and detailing towels]	EZ ONES ["moist baby wipes"]			No
12-21	EX	76479027	Sharp Kabushiki Kaisha, TA Sharp Corporation	Seeherman Rogers* Drost	2(d)	Refusal Affirmed		WARM & TOASTY ["microwave ovens for cooking, microwave ovens for cooking with a toaster feature]	TOASTY ["electric toasters"]	Pino	No

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12-22	EX	78322373	Kluckers, Inc.	Walters Holtzman Drost*	2(d)	Refusal Affirmed		"KLUCKERS BROASTED CHICKEN" ["restaurant services"]	3 cited registrations, all 3 owned by the same entity: "BROASTED CHICKEN" ["cooked poultry"]; "BROASTED SUPREME" (stylized) ["prepared foods – namely, cooked poultry, shrimp and fish"]; and "BROASTER CHICKEN" ["cooked poultry"]	Griffin	No
12-22	EX	78237417	Kraus Productivity Organization Limited	Seeherman Drost* Kuhlke	2(e)(1); specimen unacceptable for Class 41	2(e)(1) refusal affirmed; specimen refusal reversed		"PRODUCTIVITY PRESS" [software for improving efficiency in manufacturing; downloadable electronic publications in field of improving manufacturing efficiency, in Class 9; books and training manuals for improving manufacturing efficiency, in Class 16; Electronic publishing services on-line and in CD and DVD forms, featuring information on improving manufacturing efficiency; and providing on-line publications in field of improving manufacturing efficiency, in Class 41]		Maciol	No

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12-23	EX	78194018	Diamond Girl Corporation	Seeherman Quinn* Grendel	2(d)	Refusal Affirmed		"DIAMOND GIRL" [skin lotions and creams; body soaps sold in specialty stores featuring personal care products, namely, beauty shops, beauty supply stores, and cosmetic and toiletry stores]	"DIAMOND GIRL" [footwear and clothing, namely, sweatshirts, t-shirts, shirts, blouses, body suits, underwear, pajamas, robes, pants, skirts, dresses, jackets, coats, suspenders, belts, gloves, hats, sun visors and head bands]	Brown	No
12-23	EX	78330413	Gravity Systems, Inc.	Seeherman* Walters Holtzman	2(d)	Refusal Reversed as to both classes of services		"GRAVITY SYSTEMS" [in Class 37: computer installation and repair, excluding film and video editing and compositing; and other services, all excluding film and video editing and compositing; in Class 42: computer consulting services in the field of design, selection, implementation, and use of computer hardware and software systems for others, but excluding film and video editing and compositing; and a wide range of other services, all excluding video editing and compositing]	"GRAVITY" [computer hardware and software for film and video editing and compositing which includes special effects, character generation, paint and animation, audio editing, audio effects, film and video project management, and post production edit list and shot log import, export, format translation, list manipulation, new list generation, video to film cut list translation, cut list manipulation and export]	Sharper	No

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