

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 21-25, 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 |
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| 2-23 | EX | 76416351 | Volvo Penta of the Americas, Inc. | Seeherman Hohein Chapman* | 2(d) | Refusal Reversed as to each cited registration | | "OCEAN SERIES" [marine engines] | 3 cited registrations, all owned by the same entity: a mark consisting of the words "PRO," "OCEAN" and "PRODUCTS CA., U.S.A.," all arranged in a stylized design format [marine propulsion engines and parts therefor, namely, (with a list of specific items), and the like]; "OCEAN PRO" [same recitation as above except: the words "and the like" do not appear in the recitation of goods and the words "excluding marine outboard motors and component parts therefor" do appear at the end of the recitation]; "OCEAN PRO" [inboard and outboard engines for recreational boats and water craft] | Oh | No |

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

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| 2-23 | OPP | 91156520 | Specialty Coffee Association of America, Inc. v. CSC-Italia Associazione Caffè Speciali Certificati | Quinn Bucher* Drost | 2(e)(1) | Opposition Sustained | | "CERTIFIED SPECIALITY COFFEE" [high quality and estate coffee] | | | No |
| 2-23 | CANC | 92041371 | Cromosoma S.A. v. Nicole Lambert | Quinn* Holtzman Rogers | abandonment | Petition to Cancel Granted as to both classes | "THE TRIPLETS" (and design) [a variety of goods, including multimedia software featuring cartoons, posters, stationery, clothing, toys and dolls] | "LES TRIPLÉS THE TRIPLETS" (and design) [in Class 16: stationery, notebooks, memorandum books, pen and pencil cases made of cardboard or paper, writing paper, folders made of paper, cardboard or plastic for filing, pencils and pens; in Class 28: dolls] | | | No |
| 2-24 | EX | 78144809 | Hunter Fan Company | Seeherman* Quinn Rogers | 2(e)(1) | Refusal Affirmed | | "WOBBLEFREE" [ceiling fan mounting system comprising a non-metal trilobular ball and metal canopy and metal seat for the ball] | | Mays | No |
| 2-24 | OPP | 91151432 | Fabiano's Sweet Shoppe, LLC v. Fabiano's Homemade Candies, Inc. | Hohein Walters Chapman* | 2(d); 2(e)(4) [whether applicant's surname mark is registrable under Section 2(f)]; 2(c) | Opposition Dismissed | "FABIANO'S" [retail store services featuring ice cream, candy and confections] | "FABIANO'S" [homemade candies] | | | No |

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| 2-24 | EX | 76134524 | Xelerated AB | Seeherman* Hairston Bottorff | 2(d) | Refusal Reversed in both classes and as to both cited registrations | | “XELERATED SYSTEMS” [in Class 9: computer network components for hardware-based systems, namely, data switches and routers; in Class 38: telecommunication and data communications services, namely, communications tasks, namely, data packet processing, namely, sending bundles of data through a network to a remote location; routing, namely, voice and data transmission routing; voice/data convergence, namely, electronic transmission of simultaneous voice and data over a single network] | 2 cited registrations, both owned by the same entity: “ACCELERATED NETWORKS” and “ACCELERATED NETWORKS” (and design) [both marks for computer network hardware that enables the bundling of voice and data telecommunications services over a single broadband access network] | Altree | No |
| 2-24 | EX | 78155768 | Shell Trademark Management, B.V. | Seeherman Walters* Bottorff | 2(e)(1) | Refusal Affirmed in all three classes | | “ONBOARD” [in Class 1: chemical agents for testing oil and lubricants, namely, testing the water content of oil and its viscosity; in Class 9: apparatus and equipment for testing oil and lubricants, namely, a portable kit comprising test tubes and a pump; in Class 16: instructional manuals and booklets relating to the testing of oils and lubricants, namely, testing the water content of oil and its viscosity] | | G. Clark | No |

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| 2-24 | OPP | 91152998 | H-D Michigan, Inc. v. Hog Cream Enterprises, Inc. | Seeherman* Hohein Walters | 2(d) | Opposition Sustained | "HOG" [motorcycle parts, namely, timer covers, derby covers, and medallions; <i>a wide range of promotional items, including metal badges, folding knives, watches, various types of jewelry of precious and non-precious metal, ashtrays, cigarette cases, belt buckles, greeting cards, books and magazines relating to motorcycling, playing cards, decals, figurines, glassware, commemorative plates, flags and banners, various items of clothing, and many other items</i>]; "HOG" (and wheel design) [<i>a number of the same items for which the above "HOG" mark is registered</i>]; and other marks incorporating the word "HOG" [<i>a wide variety of goods and services</i>] | "HOG CREAM RIDE THE BEST PORK THE REST SPF15 " (and design) [suntan lotion] | | | No |
| 2-24 | EX | 78154196 | Savisa (Pty) Ltd. | Seeherman* Chapman Drost | 2(d) | Refusal Affirmed | | "SONOP" [alcoholic beverages, namely, wines, distilled spirits and liqueurs] | "SUNRISE" [wine] | Saunders | No |

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| 2-24 | OPP | 91151870 | PEI Licensing, Inc. v. Stacey L. Ellis | Seeherman* Walters Bottorff | 2(d) | Opposition Sustained | "PERRY ELLIS" and other marks incorporating the name "PERRY ELLIS" [a wide variety of clothing items and accessories] | "ELLIS BLACK" [a wide variety of clothing items] | | | No |
| 2-24 | OPP OPP | 91124064 91153050 | Speedbar, Inc. v. JEC Development, Inc. | Hairston* Walters Bucher | 2(d) | Opposition Sustained in both cases | "AUTOZONE" and "AUTOZONE" (and design) [retail auto parts store services and automotive products and accessories] | "COLLISION ZONE" (in stylized lettering) [automobile repair and maintenance] and "CZ COLLISION ZONE" (and design) [automobile repair and finishing services for others] | | | No |
| 2-25 | EX | 78139723 | Decision Analyst, Inc. | Seeherman Hairston* Rogers | whether applicant's specimens show use in commerce of its mark on its recited services | Refusal Affirmed | | "ICION" [computer software programming for others via the Internet, such programming dealing with multivariate sampling and panel management software in the field of marketing research] | | Blohm | No |
| 2-25 | EX | 76442570 | Baywood Technologies, Inc. | Quinn Walters Holtzman* | 2(d) | Refusal Affirmed | | "MACS MILITARY ACCESS CONTROL SYSTEM" (and design) [computer software for access control of visitors, vendors, personnel, and vehicle traffic for military installation areas and/or buildings in such areas, and for security information data management] | "MAC" [access control systems comprising a microprocessor controller and magnetic-strip card readers for monitoring the security of pre-determined locations] | Micheli | No |

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| 2-25 | EX | 76361091 | China Healthways Institute, Inc. | Hanak Holtzman* Rogers | 2(d) | Refusal Affirmed as to goods in Class 16 <i>(Note: The examining attorney did not refuse registration of the mark for the goods in Class 11.)</i> | | "CHI" (and design) [in Class 16: newsletters in the field of health, human wellness and vitality, but specifically excluding the field of hospice care] | "CHI" [newsletters in the field of hospice care for children; charitable fundraising; development and dissemination of educational materials of others in the field of hospice care for children] | Ririe | No |

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