

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 26-30, 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
9-26	EX EX	76511144 76511145	Squaw Valley Development Company	Quinn Chapman Zervas*	2(a) [disparagement]	Refusal Reversed as to all three classes in both cases		"SQUAW" and "SQUAW ONE" [both marks for: <i>in Class 25: clothing and accessories, namely, jackets, sweatshirts, sweaters, shirts, pants, bathrobes, t-shirts, gloves, head bands, vests, hats; in Class 28: skis, ski poles, ski bindings, ski tuning kits comprising waxes and adjustment tools, ski equipment, namely, power cords; in Class 35: retail store services in the field of sporting goods and equipment, apparel for men, women and children, footwear, headgear, and related goods and services</i> ]		de Jonge	No
9-26	EX	78122114	Grow More, Inc.	Quinn* Holtzman Zervas	2(d)	Refusal Reversed		"GROW MORE" (and design) [fertilizers for agricultural use]	<i>2 cited registrations for the mark "MORGRO," both registrations owned by the same entity, for: [gardening products, namely, insecticides, herbicides, fungicides and weed killers] and [fertilizers]</i>	Blandu	No

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9-26	EX	76508351	Innovation Law Group, Ltd.	Quinn Chapman* Drost	2(d)	Refusal Affirmed		"GOT IDEA? . . .CALL ILG!" [legal services relating to intellectual property law and strategy, domestic and foreign patents, licensing, trade secrets, trademarks and copyrights]	"GOT AN IDEA?" [legal services]	Whittaker-Brown	No
9-26	OPP (SJ)	91160752	Great Earth Companies, Inc. v. Intimate Beauty Corporation	Hohein Rogers Zervas [Opinion "By the Board" (Winter/Greenbaum)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"GREAT BODY" [dietary supplements]	"GREAT BODY" [a wide variety of personal body care products]			No
9-27	EX	76507514	La Estancia Argentina, Corp.	Chapman Zervas Walsh*	2(d)	Refusal Reversed		"LA ESTANCIA ARGENTINA" (in design format) [retail grocery store; on-line retail store services featuring groceries]	"DE LA ESTANCIA" [packaged cornmeal and packaged polenta]	Bello	No
9-27	EX	78219790	ChromTech Ltd	Hairston* Bucher Kuhlke	2(e)(1)	Refusal Affirmed		"CHIRAL-AGP" [chromatographic column for scientific laboratory use]		Case	No
9-28	EX	78281418	Jack D. Whiteman	Quinn* Chapman Walsh	2(e)(1)	Refusal Reversed		"GRAPE RANCH" [wine]		Pham	No

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9-28	EX	78229210	The Leverage Group, Inc.	Quinn Hohein* Zervas	2(d)	Refusal Affirmed		"THE LEVERAGE GROUP" [business marketing consulting services in the nature of promoting the goods and services of others by creating strategic partnerships between entertainment entities and business entities and arranging for sponsorships between entertainment entities, business entities and entities seeking to promote public causes]	"LEVERAGE ENTERPRISES" [business management consultation, market research analysis and strategic business planning services]	Gilbert	No
9-29	EX	76536293	Ice Creams and Coffee Beans, Inc.	Rogers Drost* Walsh	2(d); Section 6 disclaimer requirement (of the words ICE CREAMS & COFFEE BEANS)	Refusal Affirmed on both grounds		"WHOLLY COW ICE CREAMS & COFFEE BEANS" [restaurant services]	"HOLY COW!" [bar and restaurant services]	DuBois	No
9-29	EX	76389761	Magnetic Ticket & Label Corp.	Hohein* Holtzman Walsh	2(d)	Refusal Affirmed		"ZIPPERCARD" [magnetically encoded debit cards]	<i>2 cited registrations of the mark "ZIP CARD," both registrations owned by the same entity, for:</i> [magnetically coded debit cards] <i>and</i> [credit card and debit card services]	Pham	No

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9-29	OPP	91158622	General Pet Supply, Inc. v. OurPet's Company	Rogers* Drost Walsh	2(d)	Opposition Sustained	"CAT'S CHOICE" [cat litter]	"OURCAT'S CHOICE LITTER" [cat litter]			No
9-29	EX	78279166	Sno Wizard Holdings, Inc.	Walters Grendel Drost*	2(d)	Refusal Affirmed		"NOBODY BEATS THE WIZ!" [ice-shaving machines]	<i>2 cited registrations of the mark "NOBODY BEATS THE WIZ," both owned by the same entity, for:</i> [retail store services for audio and visual equipment and accessories, electrical appliances, and records and tapes] <i>and</i> [retail store services for in the fields of audio and video equipment and accessories, computers and computer equipment and accessories, office equipment and accessories, computer software, photographic equipment, and household appliances]	Snapp	No
9-29	EX	76318939	KRB Seed Company, LLC	Bucher Drost Kuhlke*	genericness [varietal name]	Refusal Affirmed		"REBEL IV" [grass seed]		Sharper	No

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9-29	EX	76416091	Jeff Tanner	Hairston Drost* Kuhlke	2(d); Section 6 disclaimer requirement (of the word GEAR)	Refusal Affirmed (but on 2(d) ground only)		"CLUTCH GEAR" (and design) [clothing, namely, t-shirts, sweatshirts, sports shirts, hats and shorts]	"CLUTCH" (and Japanese characters representing a transliteration of the word "CLUTCH" [clothing, namely, suits, jackets, skirts, pants, evening dresses, formal dresses, short coats, trench coats, over coats, rain coats, jogging pants, sweatpants and jumpers])	Stephens	No
9-29	EX	78153324	Avamar Technologies, Inc.	Hairston Walters Drost*	2(d)	Refusal Affirmed		"AXION" [computer software and hardware for secure storage and delivery of electronic data; computer software and hardware than enables users to backup, restore, archive, recover, organize, and replicate electronic data stored in multiple systems across local and/or remote networks, and instruction and user manuals sold together therewith]	"AXION SYSTEMS" [computer software and hardware installation services; computer software and hardware design services, and computer software support services]	Hayash	No
9-29	EX	76340299	KRB Seed Company, LLC	Bucher Drost Kuhlke*	genericness [varietal name]	Refusal Affirmed		"REBEL II" [grass seed]		Sharper	No

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9-29	EX	78279935	Tablus, Inc.	Hairston Walters Drost*	2(e)(1)	Refusal Affirmed (but application remanded for allowance on the Supplemental Register)		"CONTENT ALARM" [computer software that uses linguistic analysis to monitor the transmission of sensitive digital content and provides instant visibility into sensitive information in outgoing network traffic]		Lincoski	No
9-29	EX	76181237	Peavey Electronics Corporation	Seeherman Bucher Drost*	2(d)	Refusal Reversed		"DIGITOOL" [audio processors, mixers, mixer/processors, crossovers, crossover/processors, loudspeakers, powered loudspeakers, dynamics processors, switchers for use by sound technicians in auditoriums, coliseums, houses of worship, stadiums and other public venues]	"DIGITOOLS" [apparatus and instruments for viewing, recording, transmission, processing and reproduction of sound or images, namely, video-audio enhancers, color processors, etc., various items of computer-controlled video equipment; and blank recording discs]	Cataldo	No
9-30	EX	76509326	Microbook International, Inc.	Bucher Holtzman* Walsh	2(e)(1)	Refusal Affirmed		"MICROREADER" [electronic textual viewing unit comprising a housing and a screen for displaying text]		Blandu	No

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9-30	EX	78247154	CC's Bakeries, Inc.	Seeherman* Walters Kuhlke	2(d)	Refusal Affirmed based on all cited registrations except that for CCS-COFFEE.COM		"CC'S BAKERIES" [bakery goods]	7 cited registrations, all but one (the first one, below) owned by the same entity: "C&C BAKERY" [bakery products]; and "CC'S" [coffee]; "CC'S" [retail store services in the field of coffee and tea]; "CC'S COFFEE HOUSE" [retail store services in the field of coffee and tea]; "CCSCOFFEE.COM" [retail store services in the field of coffee; computerized on-line retail services in the field of coffee]; "CC'S COFFEE" (and design) [coffee]; "CC'S COFFEE HOUSE" (and design) [retail store services in the field of coffee and tea]	Mattessich	No
9-30	EX	78144053	Microsoft Corporation	Chapman Holtzman* Zervas	2(d)	Refusal Affirmed		"BRUTE FORCE" [action figures in the nature of science fiction and military characters, marketed in connection with computer and video game and other media]	"BRUTE FORCE" [toys, namely, toy cars, model kits, die cast toy cars, and toy helmets]	S.K. Lawrence	No

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9-30	EX	76483453	James Cahill	Seeherman Bucher Zervas*	2(d)	Refusal Affirmed		"WIGGLE WORDS" [computer game software, educational software featuring instruction in language skills]	2 cited registrations, <i>both</i> owned by the same entity: "WIGGLEWORKS" <i>and</i> "WIGGLEWORKS SCHOLASTIC BEGINNING LITERACY SYSTEM" (and design) [ <i>both marks for</i> : pre-recorded audio and video cassettes and computer software for children focusing on reading and writing skills, all sold as a unit, for educational purposes <i>and</i> paperback books for children and teaching guides for teachers and parents focusing on reading and writing skills, all sold as a unit, for educational purposes]	Im	No
9-30	CANC	92041424	La Casa Vhernier S.r.l. v. 7 West Accessories, Inc.	Holtzman Rogers* Drost	2(d)	Petition to Cancel Granted	"VHERNIER" [jewelry]	"VERNIER" [watches]			No

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9-30	EX	76328505	Sazerac Company, Inc.	Quinn Chapman Zervas*	2(e)(1) [merely descriptive or, alternatively, deceptively mis-descriptive]	Refusal Affirmed (mark found deceptively mis-descriptive)		"FRENCH KISS" [alcoholic beverages, namely, bottled liqueurs, namely, vanilla flavored schnapps]		Sharper	No
9-30	EX	78363598	Lisa Council Gonzalez	Hairston Walters Zervas*	2(d)	Refusal Affirmed		"LAMMY JAMMYS" [clothing, namely, sleepwear, t-shirts and associated items, namely, pajamas, socks, and underwear]	"LAMIE" [children's wear, namely, pants, shirts, t-shirts, coats, jackets, shorts, tops, pajamas, underwear, socks, sweatshirts, sweatpants, jeans, dresses, overalls, bathing suits, tank tops, sleepwear]	Milton	No
9-30	EX	76544022	The Gray Foxes	Seeherman Walters Holtzman*	whether the mark applicant seeks to register is a substantially exact representation of the mark shown on its specimens of use	Refusal Reversed		"THE GRAY FOXES" (and design) [golf towels; clothing, namely, hats and shirts]		Bibbins	No

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9-30	OPP	91155529	Twin Lakes Telephone Cooperative, Inc. v. Twin Lakes Internet Service, Inc.	Seeherman* Chapman Zervas	2(d)	Opposition Sustained	"TWIN LAKES TELEPHONE COOPERATIVE CORPORATION," "TWIN LAKES TELEPHONE COOPERATIVE," "TWIN LAKES TELEPHONE," and "TWIN LAKES TELEPHONE COOPERATIVE CORPORATION" (and design) [all marks for local telephone services and high-speed Internet access services]	"TWIN LAKES INTERNET SERVICE, INC." [providing multiple user dial-up, dedicated and wireless access to the Internet; consultation services in the field of multiple user dial-up, dedicated and wireless access to the Internet]			No
9-30	OPP [Re-designation of Decision of 8/24/05 as Citable Precedent of TTAB]	91125404	DC Comics v. Pan American Grain Mfg. Co. Inc.	Seeherman Hairston Chapman*	2(d)	Opposition Sustained	"KRYPTONITE" [t-shirts; action figures and accessories therefor; and use as a merchandising mark for food and beverage items, in connection with promotion and licensing of opposer's "SUPERMAN" trademark]	"KRIPTONITA" [prepared alcoholic fruit cocktail]			Yes [Decision of 8/24/05 originally marked not citable; decision redesignated as citable on 9/30/05]

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