

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 27- July 1, 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
6-27	EX	78132209	Allied Electronics, Inc.	Quinn Hohein Holtzman*	2(d)	Refusal Affirmed	"ALLIED ELECTRONICS" [hand tools for use in the electronics industry, namely, hand-held crimpers, wire cutters, lead cutters, wire strippers, extractors for electrical and computer components, tweezers, punchdown tools, blow torches and metal vices]	"ALLIED" (in rectangle design) [hand- and machine-made tools, namely, files, drill bits, trowels, screwdrivers, pliers, wrenches, chisels, punches, saws, snips and shears, scrapers, hammers, taps and dies]		Burns	No
6-28	EX	76563783	The Alta Group, LLC	Walters Grendel* Kuhlke	2(d)	Refusal Affirmed		"THE ALTA GROUP" [business consulting services provided to the equipment financing and leasing industry]	"ALTA RESOURCES" (and design) [business services, namely, providing business consultation, business networking, business personnel and business specialist services in the fields of customer acquisition, customer service, customer management, shipping, marketing and sales for commercial businesses, excluding business consulting services in the field of equipment financing and leasing]	Frye	No

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

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6-28	OPP (SJ)	91159389	Vitacilina Corporation of America v. Rosa West Laboratories, Inc.	Walters Holtzman Zervas*	res judicata [claim preclusion]	Opposition Sustained [Opposer's motion for summary judgment granted]	"VITACILINA" [goods not listed in the opinion]	"VITASILK-C" [non-medicated skin care products in the nature of multivitamin facial treatments, namely, facial scrubs and masks]			No
6-28	EX	78211766	David Abreu	Quinn Walters Zervas*	2(d)	Refusal Affirmed		"ABREU VINEYARDS CAPPELLA" [wine]	"CAPPELLA" [wine and liqueur]	Evanko	No
6-28	EX	76528639	Hans Merensky Holdings (Pty) Ltd.	Quinn Bucher Walsh*	2(e)(4)	Refusal Reversed		"LATAS" [avocado trees, namely, avocado rootstocks]		Blohm	No
6-28	EX	76359741	Points.com Inc.	Chapman* Bucher Grendel	2(e)(1)	Refusal Affirmed		"GLOBAL POINTS XCHANGE" (in stylized format) [providing a web site on the global computer network for the tracking and redemption of customer loyalty rewards]		Belenker	No
6-30	EX	76068295	Peabody Management, Inc.	Quinn* Hairston Chapman	1, 2, 3 and 45 [failure to function]	Refusal Affirmed		"THE LEGEND OF THE DUCKS..." (a 182-word recitation of the story how ducks came to the lobbies of applicant's hotels)[providing facilities for meetings and banquets; hotel services; hotel catering, conciergeservices]		Rupp	No

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6-30	OPP	91122634	Ultimate Nutrition, Inc. v. Absolute Nutrition, LLC	Hairston* Chapman Grendel	2(d)	Opposition Dismissed	"ULTIMATE NUTRITION" [vitamins and nutritional food supplements]	"ABSOLUTE NUTRITION" [vitamins and dietary supplements]			No
6-30	EX	76487221	Global Mentoring Solutions, Inc.	Quinn Hohein* Hairston	2(e)(1)	Refusal Affirmed		"REAL TIME LAB" [training services in the field of computer applications and technical training for businesses via the Internet]		McCauley	No
7-1	CANC	92040553 92040585	Physicians Formula Cosmetics, Inc. v. Small Giant, LLC, assignee of Physicians Select, Inc.	Walters* Holtzman Rogers	2(d) Abandonment	Both petitions granted as to 2(d) claim; Both petitions granted in part and denied in part as to abandonment claim	"PHYSICIANS FORMULA" [skin lotions, skin astringents, skin cleansers, skin creams, make-up, lipsticks, face powders, mascara, pencils, eye liners, eye shadow, eye cream, rouges, lip balm, sun screen preparations, eye make-up remover, hair spray]	"PHYSICIANS SELECT" [cosmetics, namely, super-anti-oxidant skin moisturizer, skin and night creams, hard and liquid soaps for hands, face and body] "PHYSICIANS DIRECT" [same goods as above, plus sunscreens]			No

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