

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 28 – March 4, 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
2-28	EX	76112441	Eddie Z's Blinds and Drapery, Inc.	Hairston Walters Rogers*	genericness	Refusal Affirmed		"BLINDSANDDRAPERY.COM" [wholesale distributorship featuring blinds, draperies, and other wall coverings; retail store outlets featuring blinds, draperies and other wall coverings; retail store services featuring blinds, draperies and other wall coverings via a global computer network]		Hella	Yes
3-1	EX	76526403	Leslie A. Snyder	Seeherman* Bucher Rogers	Section 6 disclaimer requirement (of WHEEL-CHAIR-GEAR)	Refusal Affirmed		"WHEELCHAIRGEAR" (and design) [all purpose carrying bags, pouches, totes, and packs for use with wheelchairs, walkers, crutches and other ambulatory aids]		Fairbanks	No
3-1	EX	76470354	JoAnna Lynn	Seeherman* Hairston Drost	2(d); 2(e)(1)	Refusal Reversed as to both grounds and as to all classes		"METAPHYSICAL EXERCISE" [in Class 9: pre-recorded CDs featuring meditations and recorded music; in Class 16: newsletters, training manuals, notebooks and workbooks in the areas of exercise, fitness and mental, spiritual and physical health; in Class 41: educational services, namely, seminars, workshops, classes and training programs, all in the areas of exercise, fitness and mental, spiritual, and physical health]	"METAPHYSICAL" [providing an online computer database in the field of evangelistic and ministerial services, namely, information regarding religious or spiritual practices and beliefs]	Faint	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 28 – March 4, 2005 (continued)**

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
3-1	EX	76457320	Allstar Marketing Group, Inc.	Hohein* Hairston Chapman	2(e)(4); 2.61(b)	Refusal Affirmed on 2(e)(4) ground only		"BELLORA" [watches and parts therefor; watch straps; watch fobs]		Sharper	No
3-2	OPP	91152639	Surf Line Hawaii, Ltd. v. Robert Charles White	Hohein Hairston* Walters	2(d)	Opposition Sustained	"JAMS" [men's swimming trunks; shirts, shorts, sport coats, t-shirts, sweatshirts, sweatpants, jerseys, and tank tops; pants, underwear, hats, belts, scarves; <i>and other goods</i> ]; "JAMS WORLD" [retail clothing store services; <i>and a variety of clothing items</i> ]	"TOE JAMS" [clothing, namely, socks, shoes, shirts, pants, underwear and ties]			No
3-2	EX	78183377	Major League Baseball Properties, Inc.	Hanak Hairston* Chapman	Section 6 disclaimer requirement (of THE BASEBALL CHANNEL) [ <i>Note: Applicant submitted disclaimer of TV and BASEBALL</i> ]	Refusal Affirmed		"MLB TV THE BASEBALL CHANNEL" [telecommunication services, namely, TV broadcasting, subscription TV broadcasting, cable TV broadcasting, TV transmission services; cable TV transmission services; <i>and a number of other services</i> ]		Baldwin	No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration  
(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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

February 28 – March 4, 2005 (continued)

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
3-2	EX EX	78183355 78183381	Major League Baseball Properties, Inc.	Hanak Hairston* Chapman	2(e)(1), as to the '355 application; Section 6 disclaimer requirement (of THE BASEBALL CHANNEL), as to the '381 application [Note: In the '355 application, applicant submitted a disclaimer of BASEBALL, and in the '381 application, applicant submitted a disclaimer of TV and BASEBALL.]	Refusal Reversed in both cases		"THE BASEBALL CHANNEL" and "MLB TV THE BASEBALL CHANNEL" [both marks for entertainment services, namely, baseball games, competitions and exhibitions rendered live, through broadcast media including TV and radio and via a global computer network or a commercial on-line service; providing, producing and distributing programming for others in the nature of baseball games, competitions, and exhibitions and providing information in the field of sports and entertainment, all through broadcast media including TV and radio and via a global computer network or a commercial on-line services; education services in the nature of baseball skills instruction]		Baldwin	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

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

**February 28 – March 4, 2005 (continued)**

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
3-2	EX	76515140	EAG, A Law Corporation	Chapman Bottorff Drost*	2(d)	Refusal Affirmed		"EAG" (in a stylized design format) [legal services]	"EAG" [litigation support services, namely, litigation claims evaluation, preparation of demonstrative exhibits and graphics presentations; expert witness services, namely, selection and evaluation of experts and expert testimony]	Ayala	No
3-2	EX	78142544	Marcraft Clothes, Inc.	Quinn Chapman* Drost	2(d)	Refusal Affirmed		"EAGLE" [men's tailored clothing, namely, suits, sport jackets, coats, and slacks]	2 cited registrations, both owned by the same entity and both for the mark "EAGLE" [woven dress-shirts, negligee shirts, undershirts, drawers, and sleeping garments] and [shirts, swim trunks, sweaters and neckties]	Martin	No
3-2	EX	75665000	Cashflow Technologies, Inc.	Seeherman* Walters Holtzman	whether the mark shown on applicant's drawing is a substantially exact representation of the mark used in commerce, as shown by its specimen	Refusal Affirmed		the letters "E," "B," "S," and "T" and a "plus" sign, assembled in a design format [books for financial education]		French	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 28 – March 4, 2005 (continued)**

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
3-3	EX	76476149	Goodyear Swap Meet, L.C.	Seeherman Hanak* Hairston	2(d)	Refusal Affirmed in each of the three classes of the application, the affirmance in each class based on one of the three "pertinent" cited registrations		"GOODYEAR MARKET PLACE SWAP MEET" [ <i>in Class 16</i> : publications, namely, newsletters reporting upcoming social events, bumper stickers, pens and pencils; <i>in Class 21</i> : housewares, namely, coffee cups, sports bottles sold empty, sipper cups, and thermal insulated holders for contained beverages; <i>in Class 25</i> : clothing, namely, shirts and caps]	<i>5 cited registrations</i> : "GOODYEAR" (and design) [erasers]; "GOODYEAR" (and design) [retail store services featuring, inter alia, glassware]; "GOODYEAR" (and design) [clothing, namely, caps, t-shirts, sweatshirts, and jackets]; and two other registrations described in the opinion as "not pertinent"	Ayala	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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