

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
November 28 – December 2, 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
11-28	EX	76563024	MRI Leasing Corp.	Quinn Walters Chapman*	2(e)(1)	Refusal Affirmed		"GLOBAL BROKER SYSTEMS" [providing training in the field of operating a finance company]		Joyner	No
11-28	EX	76351071	Build-A-Bear Workshop, Inc.	Seeherman Hairston* Walters	whether the matter applicant seeks to register functions as a mark for its recited goods	Refusal Affirmed		design comprising a stylized representation of parts of a teddy bear, applied to a hanger [toy accessories, namely, toy clothing]		Rupp	No
11-28	OPP (SJ)	91154595	Bruker Daltonics, Inc. v. PerSeptive Biosystems, Inc. and Applied Biosystems/ MDS Sciex Instruments	Seeherman Hohein Hairston [Opinion "By the Board" (Welling-ton)]	whether applicant's mark is generic or, in the alternative, merely descriptive and without distinctiveness under Section 2(f)	Opposition Sustained (Opposer's motion for summary judgment granted)		"TOF/TOF" [mass spectrometry instrumentation, namely, time-of-flight mass spectrometers and components therefor, and related software, for use in chemical and biological applications]			No
11-29	EX	76602722	Worldwise, Inc.	Hairston Grendel* Holtzman	2(e)(1); 2(d)	Refusal Affirmed on both grounds		"FISHBONZ" [cat toys]	"FISHBONE" and "FISHBONE" (and design) [both marks for a wide range of goods, including dog toys]	Joyner	No

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

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11-29	OPP (SJ) (R)	91158854	Vignette Corporation v. Steven Marino	Seeherman Quinn Walters [Opinion "By the Board" (Lykos)]	whether applicant had a bona fide intention to use its mark as of the application filing date [whether applicant may rely on certain evidence it offered in opposition to motion for summary judgment]	Request for Reconsideration Denied (Applicant's evidence considered and opposer's motion for summary judgment denied)		"VIGNETTE EDITORIAL" [video post-production services, namely, editing of music videos, TV commercials, and motion pictures]			Yes
11-29	OPP CANC (SJ)	91165315 92044538	Missiontrek Ltd. Co. v. Onfolio, Inc.	Hairston Chapman Kuhlke [Opinion "By the Board" (Butler)]	2(d)	Opposition Dismissed and Cancellation Denied (Motion for summary judgment granted as to both cases)	"CARTAGIO" [computer software, namely, internet navigation software, that is, internet browsers; computer hardware in the nature of database and computer management equipment; internet research and cost accounting software; software for hosting computer servers, and user manuals sold as a unit]	"ONFOLIO" and "ONFOLIO" (and design) [both marks for computer software for capturing, organizing and sharing on-line content]			No

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11-30	EX	76498199	Itoya of America, Ltd.	Hanak* Walsh Zervas	2(d)	Refusal Affirmed		"XENON" [writing pens]	"XENON" [paper and cardboard]	Eulin	No
12-1	EX	78314735	Bargain Network, Inc.	Hohein Grendel Kuhlke*	2(e)(1) [as to both classes of goods]; 2(d) [as to the goods in Class 35]	Refusal Affirmed on both grounds as to goods in Class 35 and on 2(e)(1) grounds as to the goods in Class 36		"BARGAIN.COM" [<i>in Class 35</i> : computerized on-line retail store services in the field of automobiles; providing information in the field of auctions; providing information about automobiles for sale by means of the Internet; <i>in Class 36</i> : computerized on-line real estate listing; providing information in the field of real estate home purchasing]	"BARGAIN" [leasing and renting of automobiles and other vehicles]	Snyder	No
12-1	EX	78212751	Bayer Aktiengesellschaft	Quinn* Walters Bucher	2(e)(1)	Refusal Affirmed		"ASPIRINA" [analgesics]		Madden	No
12-2	EX	76311561	London Dairy Company Limited	Chapman* Zervas Kuhlke	2(d)	Refusal Affirmed		"LONDON DAIRY" (and design) [ice creams]	"LONDON'S" (and design) [dairy products, namely, packaged milk, cream and cottage cheese; ice cream]	Hughitt	No

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