

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

August 29 – September 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
8-2**	CANC (SJ)	92043533	Jacques M. Dulin, Esq. and Innovation Law Group, Ltd. v. Charles E. Gotlieb, Esq.	Hairston Holtzman Walsh [Opinion "By the Board" (Wolfson)]	2(d)	Petition to Cancel Granted [petitioner's motion for summary judgment granted]	"INNOVATION LAW GROUP" [legal services]	"INNOVATION LAW GROUP" [legal services relating to intellectual property law and strategy]			No
8-19***	CANC (SJ)	92044355	Carsonite International Corp. v. Energy Absorption Systems, Inc.	Seeherman Quinn Walters [Opinion "By the Board" (Wolfson)]	estoppel	Petition to Cancel Dismissed [respondent's motion for summary judgment granted]		the configuration of registrant's goods [highway safety traffic control delineators]			No
8-29	EX	76397979	Peter M. Villari	Hairston* Chapman Zervas	2(d)	Refusal Affirmed as to services in Class 42; Refusal as to services in Class 41 considered withdrawn		"THE I.D.E.A. LAWYERS" [in Class 41: providing educational services, namely, assisting children with disabilities and/or developmental delays in obtaining appropriate private or public education under the state and Federal laws; in Class 42: legal services, namely, providing assistance to parents with children with disabilities and/or developmental delays]	"THE IDEA ATTORNEYS" [legal services]	Ervin	No

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

Inadvertently omitted from the August 1-5, 2005 report *Inadvertently omitted from the August 15-19, 2005 report

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8-29	EX	76530111	Diamond Hong, Inc.	Hairston Grendel* Rogers	2(d)	Refusal Affirmed		composite mark comprising a graphic representation of two roosters and Chinese characters that translate as "half chicken/rooster" [distilled spirits made of rice, peas or sorghum, herb liquors, port wine, rum, sake, fruit wine, red wine, white wine and cooking wine]	design mark comprising a graphic representation of two roosters [wines]	S. Kim	No
8-29	OPP	91152638	Hasbro, Inc. v. Mitchell W. Goldman	Hairston Drost Walsh*	2(d); counterclaim for cancellation on grounds of abandonment and fraud	Opposition Dismissed; Counterclaim to Cancel Granted (but only on ground of abandonment)	"COTTON CANDY" [toy pony]	"COTTON CANDY CLOUD CASTLE" [<i>a variety of toys, including: dolls, action figures, plush toys, and puppets</i>]			No

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8-31	OPP	91150250	Boomerang.com, Inc. v. Market Tools, Inc.	Quinn Bucher* Kuhlke	2(d)	Opposition Sustained as to both opposed applications in both classes	“BOOMERANG” [automated facsimile retrieval and transmission services] and “BOOMERANG INFORMATION SERVICES” [services for sending and retrieving data, namely, electronic transmission and reception of data via the Internet]; and use of both marks in conjunction with telephone and e-mail survey services	“ZOOMERANG” and “ZOOMERANG” (and “Z” design) [both marks for the following services: in Class 35: building and facilitating of market research communities; dissemination of information in the fields of advertising, marketing, and business via electronic mail; consultation in the field of survey research methods, real-time feedback, and results; etc. in Class 42: providing use of non-downloadable computer software for designing and conducting surveys, polls and other feedback and data collection activities via computer and communication networks; etc.]			No

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9-1	EX EX	78027603 78027605	Sharadha Terry Products Limited	Chapman* Holtzman Zervas	genericness	Refusal to Register on ground of genericness reversed as to both applications; but applicant required to submit disclaimer of word COTTON in both applications		"MICRO COTTON" [<i>in Class 24</i> : bath linen, bed linen, curtains, quilts, table linens, textile wall hangings, towels, <i>and other goods</i> ; <i>in Class 25</i> : aprons, bathing suits, beachwear, blazers, blouses, headwear, night shirts, pants, shirts, shorts, <i>and other goods</i>] <i>and</i> "MICRO COTTON" [bathrobes]		Blandu	No
9-1	EX	78215083	Traction Technologies, Inc.	Bucher Rogers Walsh*	2(d)	Refusal Affirmed		"SPR" [drive shafts and driveshaft assemblies for land vehicles, associated hardware for use on land vehicles and parts thereof, namely, shafts, yokes, universal joints, bearings, end fittings, journal crosses, and driveshaft center bearings]	"SPR" (and design) [piston rings]	Lincoski	No

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