

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

May 2-6, 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
5-2	EX	76467756	Warrior Lacrosse, Inc.	Chapman Holtzman* Rogers	2(d)	Refusal Affirmed		"SUPERSTAR" [protective lacrosse equipment, namely, gloves]	"JUNIOR SUPERSTAR" [soccer balls, footballs, baseball bats and balls, baseball gloves, basketballs, golf sets comprising golf clubs, golf balls, golf tees and a golf bag, tennis sets comprising a tennis racket and tennis ball, street hockey sets comprising hockey sticks, a hockey ball and goal, and boxing sets comprising a punching bag and boxing gloves]	Sheffield	No
5-2	EX	74716136	The Sunrider Corp.	Hohein Hairston Rogers*	whether applicant's specimens show use of the mark as displayed in its drawing; whether the matter applicant seeks to register functions as a mark either inherently or by acquired distinctiveness	Refusal Affirmed in both classes (but only on the basis that the matter applicant seeks to register fails to function as a mark)		configuration of the bottle cap of the packaging for applicant's goods [<i>in Class 5</i> : nutritional supplements; <i>in Class 30</i> : herbal food beverages]		Powers	No

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5-2	EX	76317292	Jose J. Granada	Hanak* Quinn Drost	2(e)(1); whether applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed		"BONDGRAPH" [computer software programs in the fields of engineering and computer science, namely, computer software programs for use in the modeling and simulation of dynamic systems that comprise interrelated modules]		Pino	No
5-2	OPP	91152294	Ale House Management, Inc.	Quinn Walters Holtzman*	whether estoppel bars applicant's registration of its mark; whether opposer is judicially estopped from asserting that applicant's mark was not in use in commerce as of the filing date of its application	Opposition Dismissed	various marks incorporating the term "ALE HOUSE" [restaurant services]	"CAROLINA ALE HOUSE FOOD SPORTS FUN" (and design) [restaurant and sports bar services]			No

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5-3	CANC (SJ)	92043411	Agri-Pro Enterprises of Iowa, Inc. v. Dosatron International	Hohein Hairston Chapman [Opinion "By the Board" (Dunn)]	whether opposer lacks standing to petition to cancel in view of a prior settlement and court order involving the parties	Petition to Cancel Denied (Respondent's motion for summary judgment granted)		configuration of the housing for the inner workings of applicant's goods [livestock medicators]			No
5-6	EX	78164161	Mark D. Baruffi	Seeherman Hanak* Walters	whether the scope of applicant's amended identification of goods exceeds that of the original identification	Refusal Reversed		"VEGAS BABY" [clothing, namely, shirts, blouses, t-shirts, tank tops, vests, sweaters, dresses, skirts, jumpers, jump suits, rompers, overalls, jackets, boxer shorts, pants, jeans, shorts, leggings, bottoms, sweatshirts, sweat pants, sweat suits, jogging suits, sleep wear, socks, bandannas, swim wear, hats, caps, visors, belts, shoes, sneakers, sandals, and boots] [Note: The original identification of goods read: "t-shirts, headwear, aprons, baby bibs, pull overs, polos, tank tops, all other items in Class 25"]		Suarez	No

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5-6	EX	76456865	Tracy Nixon	Hanak* Hohein Rogers	2(d)	Refusal Affirmed		"PASSPORT TRAVEL SPA" (and design incorporating the letters "PTS") [operating beauty salons and rendering spa services]	"PASSPORT" (and design) [therapeutic massage services]	Coggins	No
5-6	EX	76316937	QVC, Inc.	Seeherman Walters* Chapman	2(d)	Refusal Reversed		"HOMEWORKS" (and design) [electric fans, electric space heaters and household air cleaners]	"EQUITABLE HOMEWORKS" [on line and mail order retail store services featuring consumer and commercial energy related products, namely, gas grills, carbon monoxide alarms, gas lamps, and gas heaters]	Oh	No

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