

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 31 – November 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
10-31	EX	78273336	R. J. Mears LLC	Seeherman Hairston Bucher*	2(e)(4)	Refusal Affirmed		"MEARS" [semiconductor materials, namely group IV semiconductors, group III-V semiconductors, group II-VI semiconductors and compound, modified and enhanced semiconductors used in the manufacture of semiconductor chips and semiconductor devices; semiconductor circuits]		McCauley	No
11-1	EX	78164647	Critical-Wireless Corporation	Bucher Grendel*	2(e)(1)	Refusal Reversed		"CRITICALWIRELESS" [transceiver unit for remote monitoring systems]		Ferraiuolo	No
11-1	EX	76432423	Cambridge Engineering, Inc.	Hairston* Chapman Bucher	2(d)	Refusal Affirmed		"CENERGY SERVICES SUBSIDIARY OF CAMBRIDGE ENGINEERING" (and design) [installation of heating systems for others]	"CCENERGY" [retail store services in the field of renewable energy equipment; energy efficiency auditing, energy contractor referrals; and energy permit processing]	Ririe	No

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

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11-1	EX	78171205	The Association of Chartered Certified Accountants	Chapman* Holtzman Zervas	2(d)	Refusal Affirmed as to all four classes, on the basis of both cited registrations [<i>Note: Registration was not refused as to the services in a fifth class (Class 36)</i>]		“ACCA” (in stylized form) [in Class 9: a number of goods, including information stored in or on electronic, magnetic and/or optical means, namely, electronic databases recorded on computer media featuring instructional and educational information in the fields of accounting, finance and business studies; in Class 16: printed matter (of various sorts), all featuring information in the fields of accounting, finance and business studies]; in Class 35: accounting services; cooperative advertising and marketing services; employment hiring and recruiting services; and other services; in Class 41: training and teaching services in the fields of accounting, finance and business studies; conducting conferences in the fields of accounting, finance, and business studies; and other services]	2 cited registrations, both owned by the same entity: “ACCA” and “ACCA AMERICAN CORPORATE COUNSEL ASSOCIATION” (and design) [both marks for: in Class 9: downloadable electronic publications (of several kinds) in the field of law; in Class 16: trade journals for corporate counsel; and other goods; in Class 35: providing on-line information clearing house services in the field of law; and other services; in Class 41: educational services provided via Internet (and otherwise) in the field of law; and other services; in Class 42: association services (of various sorts) for corporate counsel; providing an on-line database in the field of law; and other services]	Dwyer	No

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11-2	EX	78241396	Caruso Properties Management, Inc.	Walters Drost Walsh*	whether applicant's specimen shows use of its mark in connection with its recited services in Class 35	Refusal Reversed		design mark [dissemination of advertising material for others; preparing and placing advertisements for others; promoting the goods and services of others through promotional offers; promoting the sale of goods and services of others through the distribution of printed material]		Rutland	No
11-2	EX	78172916	Sierra Design Group	Walters* Rogers Walsh	2(d)	Refusal Affirmed		"AMERICAN HEROES" [gaming equipment, namely, slot machines with or without video output, electro-mechanical gaming machines, electronic gaming machines]	"AMERICAN HEROES COLLECTION" [computer game software]	Morris	No
11-3	EX	76177195	UTi Worldwide Inc.	Chapman* Bucher Holtzman	2(d)	Refusal Affirmed in both classes		"EMPOWER" (in stylized format with design) [<i>in Class 39</i> : providing information relating to applicant's storage and forwarding of freight, such information provided on-line and otherwise to staff and customers with a password; <i>in Class 42</i> : providing tracking information relating to applicant's shipment of freight, such information provided on-line and otherwise to staff and customers with a password]	"IMPOWER" [<i>in Class 9</i> : computer programs for use in the shipping industry, namely, a customs regulation and import information database for cargo, entry, and billing data; <i>in Class 39</i> : transportation of goods of others by air, rail, ship or truck; <i>in Class 42</i> : computer services, namely, providing a database containing shipping and freight information]	Cordova	No

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11-3	EX	76460411	Aristocrat Technologies Australia PTY Limited	Seeherman Bucher Grendel*	2(d)	Refusal Affirmed		"RED BARON" [gaming devices, namely, gaming machines and associated software for use therewith, to enable the gaming machine to run]	"RED BARON" [computer game programs]	Stephens	No
11-4	EX	76493965	Dona Stiles	Hanak* Bucher Zervas	2(d)	Refusal Affirmed		"ISLAND NUTRITION" [vitamins, mineral supplements, nutritional supplements and herbal supplements containing amino acids, enzymes, phytonutrients, marine extracts and herbal extracts]	"ISLAND BERRIES" [dietary supplement smoothie]	Benzmiller	No
11-4	EX	78192104	Omega SA (Omega AG) (Omega Ltd.)	Seeherman* Quinn Hohein	whether the term "chronographs" in applicant's identification of goods is sufficiently definite	Refusal Affirmed		"AQUA TERRA" [jewelry, precious stones; watches, watch straps, watch bracelets and parts thereof; chronometers, chronographs, watches made of precious metals, watches partly or entirely set with precious stones]		Engel	No

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