

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 5-9, 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
9-6	CANC	92033012	Doyna, Ltd. v. Doyna Michigan Co.	Seeherman Chapman* Walsh	2(e)(2); 2(e)(3); 2(a) [deceptive]	Petition to Cancel Granted (on 2(e)(3) ground only)		"ZHIGULY" [beer]			No
9-6	CANC	92032506	Beneficial Franchise Co., Inc. v. Ladenburg Thalmann & Co. Inc.	Quinn Bucher* Kuhlke	2(d); 2(a) [deceptive]; 2(e)(1) [deceptively mis-descriptive]; affirmative defenses of laches, acquiescence, estoppel, and waiver; counterclaim for cancellation on the following grounds: 2(e)(1) [merely descriptive]; abandonment	Petition to Cancel Denied; Counterclaim for Cancellation Denied	"SMART MONEY" [interactive computer programs for educational use and instructional manuals sold as a unit therewith]	"SERVING THE SMART MONEY SINCE 1876" [stock brokerage, security brokerage, investment banking, investment brokerage, investment consultation, financial planning, financial research, financial management, investment management]			No
9-7	EX	76513504	BCPBank National Association	Walters* Chapman Drost	2(d)	Refusal Reversed		"BEYOND THE EXPECTED" [banking services]	"BANKING BEYOND YOUR EXPECTATIONS" [banking services, etc.]	Vanston	No

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

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9-7	EX	78210957	Lawn Tennis Association of Australia Limited	Quinn Hairston Grendel*	Section 6 disclaimer requirements (of TENNIS WORKOUT as to Class 25 goods and of AUSTRALIAN OPEN TENNIS WORKOUT as to Class 41 services)	Refusal Affirmed in both classes		"AUSTRALIAN OPEN TENNIS WORKOUT" (and design) [<i>in Class 25</i> : clothing, namely, t-shirts, singlets, jumpers, vests, shorts, skirts, one piece sports dresses, track suit pants and jackets, casual jackets, casual pants, waterproof jackets and vests, windproof jackets and vests, neckties; footwear, namely, socks; headgear, namely, caps, bucket hats and visors; <i>in Class 41</i> : arranging and conducting fitness programs; training, instructional and teaching services, namely, arranging and conducting classes and seminars in the field of tennis; physical education services; providing facilities for sports and recreational activities; providing sport and recreation information; organizing sporting events and competitions; all relating to tennis]		Boulton	No

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9-7	EX	76402817	Zuffa, LLC	Hairston Chapman* Drost	Section 6 disclaimer requirement (of the words ULTIMATE FIGHTING CHAMPIONSHIP); genericness; whether, if not generic, applicant's mark has acquired distinctiveness and is registrable under Section 2(f)	Refusal Reversed		"UFC ULTIMATE FIGHTING CHAMPIONSHIP" (and design) [entertainment, namely, live stage shows and performances featuring mixed martial arts; educational services, namely, providing information on the subject of sports and entertainment; providing an Internet website featuring information on the subject of sports and entertainment; production of entertainment shows and interactive entertainment programs for distribution via TV, cable, satellite, audio and video media cartridges, laser discs, computer discs and electronic means; production and distribution via the Internet of entertainment shows and news programs]		Lee	No
9-9	EX	78975330	Pet Food Centers, LLC	Hohein Drost Kuhlke*	2(e)(1)	Refusal Affirmed		"PLAY THINGS" [pet treats]		Chicoski	No

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