

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**July 10-14, 2006**

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
7-10	EX	78462370	The Members Group, Inc.	Seeherman Bucher* Drost	2(d)	Refusal Affirmed		"TMG" (in stylized form) [financial services provided to credit unions, namely, credit, debit and ATM card processing, financial asset/liability management, automated financial clearinghouse services, share draft financial services and mortgage loan services]	"TMG" [real estate brokerage services; real estate agencies; loan brokerage, consulting and services; mortgage brokerage]	Stine	No
7-10	OPP	91156249	OMS Investments, Inc. v. Central Garden & Pet Company	Rogers Zervas* Walsh	2(d)	Opposition Sustained (on the basis of opposer's WEED-B-GON and BUG-B-GON marks)	a "family" of marks incorporating the term "B-GON," all for products for controlling pests inside the home and outdoors; and the following individual, registered marks: "WEED-B-GON" [herbicides]; "BRUSH-B-GON" [herbicides]; "GRASS-B-GON" [pesticides and herbicides for home and garden use]; "BUG-B-GON" [insecticides for home and garden use]; "WEED-B-GON" [herbicides mixed with fertilizers for domestic use]; "ANT-B-GON" [insecticides for agricultural and domestic use];	"EASYGONE" [herbicides and insecticides for agricultural and domestic use]			No

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7-10	EX	78382521	Institute for Data Research	Walters* Bucher Zervas	2(e)(1)	Refusal Reversed		"DATA BLUEPRINT" [information technology consulting services, namely, data extraction, data migration, data quality analysis, data management mentoring, and data management maturity measurements]		Matthews	No
7-10	EX	76127975	Commerce Bancorp, Inc.	Walters Rogers Zervas*	Section 6 disclaimer requirement (of the word COMMERCE) [ <i>Note: Applicant disclaimed the word BANK.</i> ]	Refusal Reversed		"COMMERCE BANK" (and design incorporating the letter "C") [banking services]		Yontef	No
7-13	EX	76568177	Applied Ecological Services, Inc.	Seeherman Quinn* Walsh	2(e)(1)	Refusal Affirmed		"STORMWATER TREATMENT TRAIN" [design for others of stormwater management systems]		Griffin	No
7-13	EX	76604329	Offshore Sailing School Ltd., Inc.	Quinn Bucher* Grendel	2(e)(4)	Refusal Affirmed		"COLGATE SAILING SCHOOL" [conducting classes and furnishing classroom and on-water instruction in sailing]		Lee	No

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7-13	EX	76424030	Barrister Global Services Network, Inc.	Bucher* Holtzman Rogers	Section 6 disclaimer requirement (of words GLOBAL SERVICES NETWORK)	Refusal Affirmed in both classes		"BARRISTER GLOBAL SERVICES NETWORK" [in Class 37: installation of computer networks and computer hardware for office information exchange and related consulting services, and maintenance and repair of computer networks and hardware; in Class 42: consulting services in the field of design, selection, implementation and use of computer networks and computer hardware]		Elton	No
7-13	EX	76458557	REMS-WERK Christian Föll und Söhne GmbH & Co.	Hairston* Holtzman Cataldo	2(d)	Refusal Affirmed in both classes		"REMS" [in Class 7: threading machines; power-driven threading tools; die heads; power-driven tube extractors; power-operated saws, power saw blades; metal clamps for holding brackets, pipes and rods on a machine tool table; and a wide range of other power-operated tools and accessories; in Class 8: hand tools, namely, threading tools; tube extractors; tube expanders; pipe cutters; metal clamps for pipes and rods; and a wide range of other hand tools and accessories]	"REM LINE" [tool chests and tool boxes]	Jenkins	No

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7-13	EX	76605638	Great American Products, Inc.	Seeherman* Hairston Grendel	2(d); whether applicant's identification of goods is acceptable (insofar as it includes a registered trademark used generically)	Refusal Affirmed on both grounds		"MASTER CELL PROTECTOR" [dietary supplement, namely, high potency anti-oxidant formula with collagen and elastin biofactors]	"CELL PROTECTOR" [food supplements in tablet, capsule, powder and liquid form]	M. Rademacher	No
7-13	EX	76599592	Adams Products Company	Quinn* Bucher Kuhlke	2(d)	Refusal Affirmed		"GREENLINE" [recycled concrete masonry blocks]	"GREEN LINE" (in stylized lettering) [concrete set accelerators, compounds for dust-proofing and damp-proofing concrete, concrete curing and hardening compounds, bonding agents for mixing with cementitious materials, concrete form release compounds, and entraining agents; coatings for blacktop surfaces, coatings and sealers for concrete masonry and other porous surfaces, etc.]	Powell	No

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7-14	EX	76500430	Edward J. Hennessey	Seeherman* Walters Walsh	whether applicant's specimens show trademark use of the mark it seeks to register [mutilation]	Refusal Affirmed		"SURF WAX" [candles]		Sonneborn	No
7-14	EX	76207867	Orphan Pharmaceuticals, U.S.A., Inc.	Bucher Grendel* Cataldo	2(d)	Refusal Reversed as to both classes		"ORPHAN" (and design) [in Class 5: pharmaceuticals for the treatment of rare diseases, namely in the field of cardiology, diseases affecting immunocompromised patients, genetic disorders, haematology, infectious diseases, metabolic disorders, oncology, palliative care, poison control, respiratory diseases, urology and psychiatric diseases; in Class 42: product research and development of prescription and over-the-counter drugs]	2 cited registrations, both owned by the same entity: "ORPHAN MEDICAL" [mail order services for distribution of prescription drugs, medical products and authoritative educational materials to individuals with chronic health conditions; mail order services for the distribution of authoritative educational materials to health professionals] and "ORPHAN MEDICAL" (and design) [research and development of prescription and over the counter drugs for others]	Brown	No

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7-14	EX	78483075	Mook Kim	Holtzman Drost Kuhlke*	whether applicant's specimens show trademark use of the mark it seeks to register [mutilation]	Refusal Reversed		design mark [instruction and training in the martial arts including the instruction of Tae Kwon Do and instruction in the tournament rules and procedures for, and conduct of, the sport of Tae Kwon Do]		Saito	No
7-14	EX	78114391	Robert Ameeti	Hairston Rogers* Zervas	2(d)	Refusal Affirmed		"FASTRAK" [tracking services for retrieval of encoded products, excluding railcars in transit]	"FAST-TRAX" [services for computerized tracking and tracing of railcars in transit]	Ellis	No
7-14	EX	78155673	PrintCo., Inc.	Grendel Walsh Cataldo*	whether applicant's specimens show use of applicant's mark in connection with the services for which it seeks to register its mark	Refusal Reversed		"ENKLAVVOICE" [advertising and marketing services for others, namely, providing a website which permits users to create, populate, authorize, and manage databases of sales data and information, marketing data and information, product specifications, product pricing, catalog data, and related sales and marketing content; providing a website that allows users to organize, aggregate and summarize databases of sales and marketing data, advertising text and advertising images and graphics and administer content approval]		Fahrenkopf	No

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7-14	EX	78012977	Jaffeson	Seeherman Kuhlke Cataldo*	2(d); whether applicant's recitation of services is acceptable	Refusal Affirmed on both grounds and as to all five cited registrations		"NATIONAL WOMEN'S BASEBALL HALL OF FAME" ["1. Annual Hall of Fame Inductions, 2. Annual MVP and Manager Awards, 3. Annual National Skills Championships, 4. Recognition stories and emblems, 5. Tournaments and special events, 6. Library and historic archives, and 7. Related baseball memorabilia."]	5 cited registrations: "NATIONAL BASEBALL HALL OF FAME" [pewter figurines, key rings, etc.; decals, newsletters, etc.; cups, mugs, etc.; various clothing; souvenir buttons and pins, etc.]; "BASEBALL HALL OF FAME" [shirts]; "NATIONAL BASEBALL HALL OF FAME" [magnets and sunglasses; pennants]; "NATIONAL BASEBALL HALL OF FAME AND MUSEUM" [operation of a baseball museum and library; organizing and sponsoring annual baseball games and annual baseball photograph contests]; "NATIONAL BASEBALL HALL OF FAME" (and design) [same services as for mark just above, plus additional services; mail order catalog services featuring a wide variety of items]	Ferraiuolo	No

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7-14	EX	76462525	Thomas-McCants Media, Inc.	Walters* Grendel Kuhlke	2(e)(1); whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed on both grounds		"BLACK EXPO" (and design) [organizing exhibitions and promoting minority owned businesses]		Souders	No
7-14	EX	79002739	Gabbitas Educational Consultant's Limited	Bucher Grendel Kuhlke*	2(e)(4)	Refusal Affirmed in all three classes		"GABBITAS" [ <i>in Class 35</i> : employment agency services, etc.; advertising and marketing in the field of education and training; business development services, etc.; <i>in Class 41</i> : providing information on education, namely, providing information to assist others in the selection of schools, tutors, teachers and training courses; and other services; <i>in Class 45</i> : guardianship services, namely, guardianship of children and students]		T. Hickey	No

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