

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

June 12-16, 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
6-13	EX	76354586	Merck KgaA	Holtzman Zervas Kuhlke*	2(d)	Refusal Affirmed as to both classes on the basis of both cited registrations		<p>"EMD LEXIGEN" [<i>in Class 5</i>: pharmaceutical and biopharmaceutical products for the treatment of cancer, MDS, genetic disorders and immunological disorders; novel protein drugs for use in the area of oncology, immune therapies and for the treatment of metabolic disorders; <i>in Class 42</i>: scientific research and development in the area of pharmacy, medicine, biology, and genetics, developing treatments for serious and life-threatening diseases as well as broad technology platforms that will lead to new therapies]</p>	<p>2 cited registrations, both owned by the same entity: "LEXGEN.COM" [providing an online computer database in the field of genetic research] and "LEXGEN" [providing access to a genomic database consisting of molecular biology and genetic research information via a global computer network; computer services in the nature of providing online publications, namely, scientific journals and newsletters in the field of molecular biology and genetic research; providing online molecular biology and genetic research information and resources to others via a global computer network; collaborative research and development services in the field of molecular biology and genetics]</p>	K. Wells	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

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6-14	EX	76467774	N.V. Organon	Quinn* Bucher Drost	whether the matter applicant seeks to register functions as a trademark; 2(e)(5) [functional-ity]	Refusal Affirmed on both grounds		the orange flavor of applicant's goods [pharmaceuticals for human use, namely, antidepressants in quick-dissolving tablets and pills]		Fletcher	Yes
6-14	EX	76405802	West Agro, Inc.	Seeherman* Zervas Kuhlke	whether applicant's mark is registrable on the Supplemental Register without a Section 6 disclaimer of the words "QUALITY TEAM"	Refusal Reversed as to all four classes		"MILK QUALITY TEAM" [in Class 37: repair and maintenance services in the field of dairy equipment; in Class 39: delivery of dairy hygiene products, etc.; in Class 41: conducting workshops, seminars and classes for dairy producers in the field of dairy farm hygiene, etc.; in Class 42: consulting services for dairy producers in the field of dairy farm hygiene, etc.; and other services]		Micheli	No
6-15	EX	78358172	Emissive Energy Corporation	Hohein Hairston Drost*	2(d)	Refusal Reversed		"T1" [flashlights, namely, hand held portable flashlights having light emitting diode lighting elements]	"T-1" [industrial, commercial, and residential lighting and signage applications, namely, electric fluorescent lamps, electric light fixtures and retrofit kits composed of electric fluorescent lamps]	Mays	No

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6-15	EX	78461231	Avon Products, Inc.	Quinn Bucher Drost*	2(d)	Refusal Reversed		"HEALTHY BOOST" [skin moisturizing lotion]	"BOOST" [skin care preparations, namely, sun tanning lotions, creams, and oils]	Finnegan	No
6-16	EX	76563679	American Medical Alert Corp.	Quinn Bucher Kuhlke*	2(d)	Refusal Affirmed		"HELPLINK" [telephone operator services, namely, 24-hour emergency medical response communication services, namely, providing direct communications between individuals and their hospitals, HMO, hospice care facility or home healthcare agency via telephone to ensure patients receive immediate and appropriate medical care]	"HELPLINK" [personal emergency response answering and dispatch services featuring the receipt and transfer of electronic and telephonic communications from clients, namely, delivery of emergency messages by telephonic and electronic transmissions to the appropriate response persons or agencies designated by clients]	Tanner	No
6-16	EX	76388348	Roberta C. Freiberg	Drost Zervas Walsh*	2(e)(1); whether the identification of goods is sufficiently definite	Refusal Affirmed on both grounds		"ALLERGY WIPES" [disposable eyelid wipes]		K. Wells	No
6-16	CANC (SJ)	92042644	PSC Revenue Control Systems, Inc.	Hohein Grendel Walsh [Opinion "By the Board" (Butler)]	abandonment	Petition to Cancel Granted (Petitioner's motion for summary judgment granted)	"FRED" [computer hardware, computer peripherals, and computer programs for use in tracking and inputting point of sale data for use in the food service industry]	"FRED" [computer programs and accompanying printed manuals sold as a unit therewith]			No

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