

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

April 17-21, 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 |
|-------------|-----------------|-------------------------|---|------------------------|---------|---------------------------|--|--|--|--------------------|------------------------------|
| 4-18 | EX | 78305992 | Foster | Quinn Drost Zervas* | 2(d) | Refusal Affirmed | | "NEMESIS CLOTHING INNOVATIONS" (and design) [shirts, hats, pants, belts, sweatshirts, and t-shirts] | "NEMESIS" [jackets and shirts] | Thompkins | No |
| 4-18 | EX | 78317876 | Financial Media Holdings Group, Inc. | Sams Grendel* Walsh | 2(e)(1) | Refusal Affirmed | | "COMPLIANCE WEEK" [print publications, namely, magazines and newsletters concerning regulations promulgated by federal and state governments and by independent regulatory agencies] | | Keam | No |
| 4-19 | CANC | 92043377 | National Rural Electric Cooperative Association v. Suzlon Wind Energy Corporation | Bucher Holtzman Drost* | 2(d) | Petition to Cancel Denied | design mark [lapel pins; newsletters, magazines, and information bulletins in the field of rural electrification, and pens and pencils; conducting educational workshops, seminars, and training programs, and management, law, and labor relations update seminars and lectures, in the field of rural electrification; association services, namely, promoting the interests of the rural electrification industry and members of rural electric cooperatives] | "SUZLON" (and design) [wind turbines and their components, namely, nacelle, gearbox, generator, control system, hub, tower, and blades] | | | Yes |

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

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| 4-20 | EX | 75125078 | PAHL, L.P. | Walters Grendel Zervas* | 2(d) | Refusal Affirmed as to Class 25; Refusal Reversed as to Classes 14 and 26 | | "PHANTOMS" (and design) [in Class 14: accessories, namely, earrings and ornamental lapel pins; in Class 25: t-shirts, sweat shirts, knit shirts, jerseys, jackets, coats, shorts, pants, sweat pants, socks, shirts and rainwear; headwear; footwear; in Class 26: accessories, namely, ornamental novelty buttons; ornamental novelty pins; and hair twists, namely, hair ornaments in the nature of fabric covered elasticized hair holders] | "PHANTOMS" [t-shirts, sweatshirts, and sweat pants] | Fickes | No |
| 4-20 | EX | 76529025 | MBI Distributing, Inc. | Hohein* Bucher Rogers | 2(d) | Refusal Affirmed | | "EARTH ESSENCE NATURE-BEAUTY-HEALTH" (and design) [dietary supplements] | "LIVING EARTH ESSENCES" [dietary supplements, namely, flower essences and plant essences, prepared from plant infusions in water, generally preserved with brandy, for personal dietary use] | Spruill | No |
| 4-20 | EX | 76311395 | Encompass Group, LLC | Quinn Walters* Kuhlke | 2(e)(1) [deceptively mis-descriptive]; 2(a) [deceptive] | Refusal Affirmed on both grounds | | "SILK EASE" [health care apparel worn by professional medical personnel, namely, scrub suits and examination gowns] | | Vanston | No |

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| 4-20 | EX | 78212695 | Welding, Cutting, Tools & Accessories, LLC | Bucher* Rogers Drost | genericness [whether the mark applicant seeks to register is capable of registration on the Supplemental Register] | Refusal Affirmed | | "WELDING, CUTTING, TOOLS & ACCESSORIES" [retail stores, on-line retail stores and mail order catalog services all in the field of welding equipment] | | Micheli | No |
| 4-20 | EX | 76475934 | Flanders Corporation | Quinn Holtzman Drost* | 2(e)(2); whether the mark shown on applicant's specimens of use is materially different from the mark it seeks to register | Refusal Affirmed, but only on the 2(e)(2) ground | | "SWISSAIRE" [air filters for industrial installations] | | First | No |

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