

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 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
7-17	EX	76552569	American Needle	Seeherman Grendel* Zervas	2(d)	Refusal Affirmed		"CHICAGO STING" [clothing, namely, headwear including hats and caps, pants, shirts, skirts, coats, jackets, shoes, and belts]	"STING" (in design format) [clothing, namely, t-shirts, tank tops, sweat shirts, knit shirts, shorts, pants, woven shorts, sweaters, swimwear, hats and socks]	Saito	No
7-17	EX	78377288	Pulsafeeder, Inc.	Hairston Walters* Drost	2(d)	Refusal Reversed		"OMNI" [mechanical diaphragm metering pumps used in chemical metering]	<i>2 cited registrations, both owned by the same entity:</i> "OMNI" (and design) [flow measurement and control computers for the measurement of liquid hydrocarbon and gas flows]; "OMNICOM" [PC-based computer software used to communicate with devices for the measurement of liquid and gas flow; computer program user manuals for use in communication with devices for the measurement of liquid and gas flow]	Delaney	No
7-18	EX	78353428	Mark S. Dimulias	Seeherman* Walters Bucher	2(d)	Refusal Affirmed		"EVIL TWINS MC" (and design) [collective membership mark for indicating membership in a motorcycle club]	"EVIL TWIN" [motorcycles]	Boagni	No

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7-19	EX	78398313	Pair of Oaks, Inc.	Hohein* Walters Kuhlke	2(d)	Refusal Affirmed		"BIG CHIEF MOTORSPORTS" [motorized scooters and ATVs]	"BIG CHIEF" [engine parts, namely, cylinder heads for high performance vehicles]	Mandir	No
7-19	EX	76048147	Sonsub Inc.	Seeherman* Hohein Holtzman	2(d)	Refusal Reversed in all three classes		"INNOVATOR" [<i>in Class 37</i> : underwater construction services including pipelines, umbilicals, cables, structures and mooring using remotely operated vehicles; underwater support services for drilling vessels and production platforms using remotely operated vehicles, namely, repair and maintenance services; <i>in Class 39</i> : underwater search and salvage services using remotely operated subsea vehicles; <i>in Class 42</i> : services using remotely operated vehicles: underwater oil and gas exploration services, underwater bathymetric, environmental, structural, and inspection survey services, and engineering services associated with underwater services]	"INNOVATORS OF UNDERGROUND TECHNOLOGY" [care, maintenance, and repair of gas pipeline]	Fromm	No
7-19	EX	78289575	Graphic Controls LLC	Drost* Zervas Walsh	2(d)	Refusal Affirmed		"SURE CODE" [high resolution printers]	"SUREPRINT" [computer programs to control printers]	Matthews	No

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7-19	OPP CANC CANC CANC	91121054 92040619 92040732 92041389	itote Inc. v. totes Isotoner Corporation	Seeherman Hairston Kuhlke*	genericness; fraud	Opposition Dismissed; Petitions to Cancel Dismissed		“TOTES” [backpacks, day packs, belt bags, all purpose sports bags, duffel bags, and briefcases]; “TOTES” [carrying cases and pouches for overshoes, raincoats, and umbrellas]; “TOTES” [fabric carryalls with umbrella storage compartment]; “TOTES SPORT” [backpacks, carryall bags, duffel bags, and fanny packs]			No
	OPP	91155989	totes Isotoner Corporation v. itote Inc.		2(d)	Opposition Dismissed in both classes	“TOTES” [backpacks, day packs, belt bags, all purpose sports bags, duffel bags, and briefcases]; “TOTES” [carrying cases and pouches for overshoes, raincoats, and umbrellas]; “TOTES” [fabric carryalls with umbrella storage compartment]; “TOTES SPORT” [backpacks, carryall bags, duffel bags, and fanny packs]	“ITOTE PC” [<i>in Class 9</i> : carrying cases, backpacks, carry on bags, school bags, tote bags, travel bags and briefcases, all specifically designed to carry and transport portable computers; <i>in Class 18</i> : carrying cases, backpacks, carry on bags, school bags, tote bags, and briefcases]			

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7-19	EX	76399475	Aspen Technology, Inc.	Grendel Drost* Cataldo	2(d)	Refusal Affirmed in all three classes		"ASPEN ORION" [<i>in Class 9</i> : computer software for use in scheduling general refining; <i>in Class 35</i> : licensing of computer software for refinery scheduling; <i>in Class 42</i> : consulting and technical support services, namely, troubleshooting of computer software problems for general refinery scheduling]	"ORION" [computer software for business management or organizations engaged in marketing, distribution, manufacturing, oil and gas, contracting, and fabrication]	Fickes	No
7-19	EX	76605639	Elegant Headwear Co., Inc.	Seeherman* Holtzman Kuhlke	2(d); Section 6 disclaimer requirement of word STRETCH [<i>Note: Applicant submitted a disclaimer of all wording except MAGIC and STRETCH</i>]	Refusal Affirmed on both grounds		"ONE SIZE FITS ALL MAGIC STRETCH GLOVES STRETCHES TO ALL SIZES FOR A SUPER FIT" (and design) [children's ambidextrous gloves]	"MAGIC GLOVE" [fashion gloves for youths]	Gilbert	No
7-20	EX	78146926	White	Hairston* Kuhlke Walsh	2(a) [false suggestion of a connection]	Refusal Affirmed		"MOHAWK" [cigarettes]		Faint	Yes
7-20	EX	76561382	Chih An International, Inc.	Seeherman Hairston* Walsh	2(d)	Refusal Affirmed		"CROSS" [golf clubs]	"GOLFCROSS" [golf clubs]	Ririe	No

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7-20	EX	76102384	The Siegel Group Int'l, Inc.	Bucher Grendel Walsh*	whether applicant's specimens show service mark use of its mark in connection with its recited services	Refusal Affirmed		"CHICKEN STOCKS" [financial investment in the field of securities]		Fromm	No
7-20	EX	76155141	Power Designers, LLC	Seeherman* Quinn Walsh	2(d)	Refusal Affirmed		"POWER TRAC" [vehicle battery charge monitor]	"POWERTRAK" [electronic controller and software for monitoring voltage, current and temperature of batteries]	Vanston	No
7-20	EX	78351403	Royal Palm Miami Holdings LLC	Seeherman* Quinn Drost	2(d)	Refusal Affirmed in both classes and as to both cited registrations		"PARAMOUNT" [in Class 36: real estate brokerage services of residential real estate; in Class 37: land development services, namely, planning and laying out of residential condominiums and communities]	2 cited registrations, owned by different entities: "PARAMOUNT GROUP, INC." (and design) [business management and consultation; bookkeeping and income tax preparation; facilities management of technical operations; leasing of office space; real estate management] and "PARAMOUNT" (and design) [building construction, repair and renovation]	Keam	No

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7-20	EX	78188160	CU Dealer Direct, LLC	Walters Holtzman Zervas*	2(e)(1)	Refusal Affirmed		"CU DEALER DIRECT" [financial information provided by electronic means; financial services; loan services]		Boulton	No
7-20	EX	78320557	Jurgensen	Bucher Grendel Zervas*	2(d); Section 6 disclaimer requirement of LAW GROUP	Refusal Affirmed as to disclaimer requirement and under 2(d) as to registration of CATALYST GROUP for services in Class 35 but not as to registration for goods in Class 16		"CATALYST LAW GROUP" [legal services in the fields of biotechnology law, namely, intellectual property law, business law, and corporate law]	2 cited registrations, both owned by the same entity: "THE CATALYST GROUP" [in Class 35: advisory services, namely, business consultation services relating to business and corporate development in the information technology industry] and "THE CATALYST GROUP" [in Class 16: publications, namely, newsletters, circulars and reports, relating to business and corporate development in the information technology industry]	Carlyle	No
7-20	EX	76590006	Mariner Seafood Marketing, Inc.	Grendel Holtzman Drost*	2(d)	Refusal Affirmed		"MARINER SELECT" [frozen fish and seafood]	2 cited registrations, both owned by the same entity: "MARINERS" and "MARINERS" (and design) [both marks for frozen seafood]	Cordova	No

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7-20	EX EX	76393303 76394238	Trico Products	Drost* Zervas Cataldo	whether applicant is seeking registration of "phantom marks"; whether the features applicant claims as marks are merely ornamental, not inherently distinctive, and without acquired distinctiveness	Refusal Affirmed in both cases on grounds that marks are ornamental, not inherently distinctive and without acquired distinctiveness, but reversed as to "phantom mark" refusals		design of an automobile windshield wiper blade featuring a stripe running longitudinally on the sidewall of the blade <i>and</i> contrasting color used on a stripe on the wiping element of an automobile windshield wiper blade [both marks for automobile windshield wiper blades]		Cordova	No
7-20	EX	76438849	Crow Marcrum, Inc.	Seeherman Grendel Drost*	whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed		"SUBSTATION SERVICE COMPANY" [repairs and installation of electrical equipment]		Hussain	No
7-20	EX	78444661	Wildlife Research Center, Inc.	Quinn Grendel* Walsh	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed		"DOE IN ESTRUS" [buck lures and doe scents used in hunting]		Fromm	No

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7-20	EX	76400174	Metso Minerals (Cappagh) Ltd.	Walters Grendel* Rogers	2(e)(1) (as to both classes of goods); whether applicant's identification of goods in Class 7 is within the scope of the identification of goods in the application as originally filed	Refusal Affirmed under 2(e)(1) as to both classes of goods and as to Class 7 as to the identification of goods		"SMARTSCREEN" [<i>in Class 7: machine components, sold separately or sold as bundled or integrated systems, for use in mobile and non-mobile material separator machines adapted to be monitored or operated by local or remote control, etc.; in Class 9: electronic systems for remote or local monitor and control of material filter and separator machines, sold individually or as bundled or integrated systems, etc.</i>]		Watson	No

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