

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 27-31, 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
3-27	EX	75819306	ALP of South Beach Inc.	Bucher* Rogers (D) Kuhlke	2(a) [deceptive]	Refusal Affirmed		"CAFETERIA" [restaurants providing full service to sit-down patrons, excluding cafeteria-style restaurants]		Chicoski	Yes
3-27	EX	76552294	Olieco, Inc.	Seeherman Bucher* Kuhlke	2(d); Section 6 disclaimer requirement (of words PIZZA, HOT & FRESH and AUTHENTIC ITALIAN TASTE!); whether applicant must submit a new drawing of its mark	Refusal Affirmed on all grounds except requirement for a new drawing		"OLIVER'S PIZZA HOT & FRESH AUTHENTIC ITALIAN TASTE" (and design) [restaurant services]	"OLIVERS" [restaurant and carry-out services]	Borsuk	No
3-27	EX	78402643	Eastern Watch Company	Bucher Rogers Drost*	2(a) [deceptive]; 2(e)(3)	Refusal Affirmed on both grounds		"SWISSGOLD" [wrist watches, stop watches, pocket watches, watch bands, watch cases, watch chains, watch fobs, watch straps, and watches containing a game function, all wholly or partially of gold; watch movements, parts for watches, alarm clocks, wall clocks, clocks not comprised wholly or partially of gold]		Lincoski	No

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

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3-27	EX	76544524	Sagoma Plastics, Inc.	Seeherman* Hairston Holtzman	2(e)(1); whether applicant's identification of goods is sufficiently definite	Refusal Affirmed on both grounds		"THE CLIP" [holder mountings in books, book bindings, book binder, leaf and package connectors, page mounts and books with rigid pages for holding objects]		Gaafar	No
3-27	EX	79000707	Deutsche Telekom AG	Quinn Drost* Walsh	2(e)(1)	Refusal Affirmed as to some of the goods and services in Classes 9, 16, and 36 [Note: There was no refusal of registration as to Classes 35, 38, and 42 nor as to some of the goods and services in Classes 9 and 16]		"ON-FINANCE" [<i>in Class 9: computer software for financial accounting, for the provision of online information services in the field of finance, and audio and video recordings in the field of finance; in Class 16: printed instructional and teaching materials, all in the fields of finance; in Class 36: insurance services, namely, insurance brokerage, insurance claim processing; and a wide range of financial services</i>]		Ayala	No

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3-29	CANC (SJ)	92044270	Smart Choice Foods Sales, Ltd. v. Nature's Way Products, Inc.	Quinn Hohein Rogers [Opinion "By the Board" (Goodman)]	abandonment	Petitioner entitled to summary judgment on abandonment claim but must submit evidence of no genuine issue as to its standing		"THE GOLD STANDARD" [vitamins and nutritional dietary supplements]			No
3-29	EX	78387294	InteliStaf Healthcare Management, L.P.	Hairston* Bucher Kuhlke	2(d)	Refusal Reversed		"INTELCASH" [debit card services, namely, the issuance of debit cards to consumers and the extension of debit card services to consumers]	"INTELECASH" [business services, namely, electronic measuring, tracking, monitoring and controlling prepayments of goods and services by the public, in connection with various account numbers as issued on debit cards, prepaid telephone calling cards, and other media]	Bradley	No
3-30	CANC	92041101	Amtrol, Inc. and Water Soft, Inc. v. Mid-Atlantic Plumbing & Water Treatment Systems, Inc.	Hairston Grendel* Rogers	2(d)	Petition to Cancel Granted	"AMTROL WATER SOFT INC." (and design) [water treatment products]	"WATER SOFT QUALITY WATER TREATMENT SOLUTIONS (and design) [water treatment services]			No

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3-30	EX	78294292	Umbro International Limited	Rogers Zervas* Walsh	2(d)	Refusal Affirmed in all classes and as to both cited registrations		"FUT5AL" (and design) [in Class 18: sport bags (and other goods); in Class 25: rugby and soccer jerseys and shorts, track suits, shoes, hats, caps (and other goods); in Class 28: sport balls (and other goods)]	2 cited registrations: "FUTSAL" [soccer balls] and "FUTSAL" [clothing, namely, warm up suits, jerseys, trousers, footwear and headwear]	Martin	No
3-31	EX	75051843	Oppedahl & Larson	Quinn Hohein* Rogers	genericness; 2(e)(1); whether applicant's mark is registrable under 2(f)	Refusal Affirmed on all grounds		"PATENTS.COM" [on-line information services in the field of intellectual property law provided via an interconnected computer network linked by common protocols]		Golden	No
3-31	CANC	92040571	Maids to Order of Ohio, Inc. v. Maid-to-Order, Inc.	Seeherman Hairston* Bucher	fraud; counterclaim to cancel based on 2(d) and fraud	Petition to Cancel Denied; Counterclaim for Cancellation Granted on 2(d) grounds	"MAIDS TO ORDER" [franchising, namely, offering technical assistance in the establishment and operation of commercial and residential maid services and carpet cleaning services]	"MAID TO ORDER" [cleaning of domestic and business premises]			Yes
3-31	EX	76470648	Genitope Corporation	Seeherman* Quinn Bucher	whether applicant's specimens show trademark use	Refusal Affirmed		"fingerprint man" design [biopharmaceutical preparations used to treat cancer in humans, namely, individualized cancer treatments prepared specifically for each individual patient from whom tumor tissue has been received]		Prater	Yes

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