

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 2-6, 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
1-4	EX	76190823	ASICS Corporation	Walters Bucher Holtzman*	2(d)	Refusal Affirmed as to both cited registrations		"KEEP RUNNING" [athletic shoes]	2 cited registrations, both owned by the same entity: "KEEP WALKING" [a variety of clothing items, including warm-up suits, jogging suits, sweatshirts, swim suits, headbands, wristbands, caps, hats, visors and other items] and "KEEP WALKING" (and design) [a variety of clothing items, including shoes, sneakers, sandals, slippers, warm-up suits, jogging suits, sweatshirts, swim suits, headbands, wristbands, caps, hats, visors and other items]	Cordova	No
1-4	EX	78375142	Maximum Publishing LLC	Quinn* Drost Zervas	2(d)	Refusal Affirmed		"PC BUG DOCTOR" [computer software that fixes software errors on a computer]	"PC-DOCTOR" [computer software for diagnosing computer hardware functioning, efficiency, operation, and problems]	White	No
1-4	EX	78138870	Physician Endorsed, LLC	Quinn* Hairston Holtzman	2(e)(1)	Refusal Affirmed in both classes		"PHYSICIAN ENDORSED" [in Class 3: non-medicated skin care preparations; in Class 18: duffel bags and travel bags]		Breckenfeld	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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 2-6, 2006 (continued)**

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
1-4	EX	76518659	iEntry, Inc.	Hanak* Holtzman Zervas	2(e)(1)	Refusal Affirmed		"CONTENTMAP" [computer services, namely, publication of editorial content of sites accessible via a global computer network]		Fisher	No
1-5	EX	76421927	The Innovative Companies LLC	Hanak* Hairston Kuhlke	whether applicant's specimens show use of its mark in connection with the services recited in its application	Refusal Reversed		"INNOVATIVE STONE PRODUCTS" [providing training that deals with the characteristics of granite, marble, and ceramic tile for end uses of these materials for kitchen countertops, floors, patios, and related purposes]		Hickey	No
1-5	EX	76529701	Redneck Entertainment, Inc.	Hanak* Quinn Walters	2(d)	Refusal Affirmed		"REDNECK RICHES" [gaming machines for playing electronic games of chance]	"REDNECK" [computer programs for video games and computer games and instruction manuals sold as a unit with the programs, and computer programs for video games and computer games which may be downloaded from a global computer network]	Blandu	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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD  
January 2-6, 2006 (continued)**

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
1-6	EX	76149772	American Diabetes Association, Inc.	Quinn* Grendel Rogers	genericness; whether applicant's mark, if not generic, is registrable under Section 2(f)	Refusal Affirmed (on both grounds)		"DIABETES RISK TEST" [educational services, namely, providing the public with a questionnaire developed to assess an individual's risk factors for developing diabetes]		R. Lorenzo	No
1-6	CU	94002000	Mid-Atlantic Car Wash Technology, Inc. v. Carwash Tech	Quinn Holtzman* Zervas	whether plaintiff (concurrent use applicant) is entitled to concurrent use registration	Application for Concurrent Use Registration Granted	"WASHTECH" [vehicle wash equipment, namely, conveyORIZED car washes, drive-thru car washes, automatic car washes, touch-free car washes, and self-serve car washes (in Class 7) and vehicle wash equipment maintenance and repair services (in Class 37)] (Applicant claims rights to concurrent use registration for the entire U.S. with the exception of Hawaii)	Excepted User's mark: "CARWASH TECH" [car wash technology goods and services]			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