

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 4-8, 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
9-5	EX	78201506	Lehman Brothers Inc.	Holtzman* Zervas Kuhlke	whether applicant renders services under the mark it seeks to register; whether applicant's recitation of services is acceptable	Refusal Reversed on both grounds		"SPIES" [investment services, namely, providing an equity based investment security that sets floor prices and appreciation caps on the underlying equity]		Reihner	No
9-5	EX	78238015	Garmin Ltd.	Hairston Grendel* Drost	2(d)	Refusal Affirmed as to both cited registrations		"ION" [GPS receivers, namely, GPS navigation receivers for determining position and speed]	<i>2 cited registrations, both owned by the same entity: "IONIC SOFTWARE" and "IONIC SOFTWARE" (and design) [both marks for: computer software in the nature of interoperable components [or interoperable java components] for the access and exchange of geospatial and location-based information, in the field of web mapping, location based operations, and geo-enabling distributed applications]</i>	Micheli	No

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9-5	EX	78366331	Factory 79, Inc.	Quinn* Bucher Grendel	2(d)	Refusal Affirmed		"GENESIS" [precious stones and jewelry of precious metals]	"GENESIS" [watches and clocks]	Achen	No
9-5	OPP	91160715	Haldex Brake Corporation and Haldex Brake Products Limited v. Akram Zikry	Hairston Bucher* Drost	2(d); fraud	Opposition Sustained (on 2(d) grounds only)	"HALDEX" [automatic brake adjusting equipment and related parts, namely, slack adjusters, drain valves and air driers, for use on land vehicles] and "HALDEX EB+" [electronic control apparatus for vehicle brakes and related parts, namely, microprocessors, electronic circuitry, electronic load sensors and pneumatic controllers; vehicle braking equipment and related parts, namely, brake disks, brake shoes, brake cylinders, friction pads, actuators, tappets, valves, piston/cylinder units, reservoirs, air dryers, condensers, pipes and couplings]	"HALTIX" (and design) [automotive brake pads]			No
9-5	OPP	91158354	Goya Foods Inc. v. Cerveceria Nacional Dominicana C. por A.	Walters Grendel* Cataldo	2(d)	Opposition Sustained	"MORENA" [non-alcoholic malt beverage soft drink containing malt, barley and hops]	"MALTA MORENA" (and design) [non-alcoholic, non-fermented carbonated malt beverage]			No

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9-5	EX	76424233	L. C. Licensing, Inc.	Bucher Drost Zervas*	2(d)	Refusal Affirmed		"AXCESS" (in stylized format) [handbags, wallets and leather key chains]	"ACCESS" [bags, travel bags, tote bags, duffle bags, belt bags, waist packs, back packs, knap sacks, briefcases, briefcase-type portfolios, luggage, suit cases, athletic bags, gym bags, cosmetic bags, wallets, CD ROM carrying bags and cases and floppy disc carrying bags and cases; CD carrying bags and cases]	Micheli	No
9-6	OPP	91152633	Varela Hermanos, S.A. v. EGD Business Solutions, Inc.	Hairston Holtzman Kuhlke*	2(d)	Opposition Sustained	"ABUELO" [rum]	"LOS ABUELOS" [tequila]			No
9-6	EX (R)	76500182	Aesgen, Inc.	Bucher* Drost Cataldo	2(d)	Request for Reconsideration Denied (Refusal Affirmed); applicant's petition to reopen referred to Office of Commr. for Trademarks		"PROTORIS" [pharmaceutical preparations for the treatment of mucositis and inflammation of mucous membranes]	"PROTEROS" [herbicides, pesticides, fungicides, all for agricultural, domestic, and commercial uses; dietary/nutritional supplement; preparations for destroying vermin; food for babies]	Saito	No

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9-6	EX	78494931	H.K. Global Trading Ltd.	Seeherman* Quinn Bucher	2(d)	Refusal Affirmed		"GT PRO BY GOTECH" [car stereo radio audio cassette players; car stereo radio CD players; car DVD players; car audio speakers; CD players; portable CD players; audio cassette recorders; portable audio cassette recorders; portable CD players with radio audio cassette recorder; portable radio audio cassette recorders; radios; portable radios; loudspeakers; radios incorporating clocks; amplifiers; TV sets; VCRs; DVD players]	2 cited registrations, both owned by the same entity: "GT ELECTRONICS" and "GT" (and design) [both marks for: microphones; amplifiers, preamplifiers, electronic sound compressors, audio signal processors, speakers, electrical power supplies, and electrical cables and electrical connectors, etc., excluding telephones and industrial telephone communications systems]	Lavache	No
9-6	EX	76554990	Sharp Kabushiki Kaisha	Hairston Holtzman Kuhlke*	2(e)(1)	Refusal Affirmed in both classes		"3D" [in Class 9: cellular phones, electronic organizers, personal digital assistants, computer terminal units for data processing, car navigation computers and displays, digital still cameras, video camcorders, DVD players, DVD recorders, notebook computers, monitors, LCD panels, LCD modules, slot machines; in Class 28: hand-held devices with LCDs for playing electronic games, pinball machines]		Rauen	No

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9-6	OPP	91158746	Chestnut Petroleum Distributors, Inc. v. Lotta Java, Inc.	Quinn Bucher* Rogers	2(d)	Opposition Sustained	"LOTTA JAVA" [restaurant services in the nature of gourmet coffee and pastry cafes]	"LOTTA JAVA" [restaurant services, namely, gourmet coffee and pastry shop]			No
9-6	EX	78118743	Marvin Lumber and Cedar Company	Quinn Holtzman Drost*	2(d)	Refusal Affirmed		"INFINITY" [non-metal exterior doors; non-metal exterior patio doors; non-metal exterior sliding doors]	"INFINITY ENCORE BY AMERICAN" (in stylized format) [wooden residential interior doors]	Gaynor	No
9-6	EX	78323454	Texwood Industries LLP	Quinn Walters* Drost	2(e)(1)	Refusal Affirmed		"QUALITY REFACING SERVICES" [construction and remodeling services, namely, custom construction of kitchen and bath cabinetry]		Kazazian	No
9-6	EX	78357961	Celebrity Signatures International, Inc.	Walters* Holtzman Rogers	2(d)	Refusal Affirmed		"SHEER INDULGENCE" [wigs, hairpieces, and add-in and add-on accessories constructed primarily of synthetic and/or human hair]	"SHEER INDULGENCE" [ladies' pantyhose and hosiery]	Leipzig	No
9-6	EX	78403120	Caliper Life Sciences, Inc.	Hairston Walters* Holtzman	2(d)	Refusal Reversed		"SCICLONE" [automatic laboratory equipment, namely, a robotic workstation for transferring, dispensing and diluting liquids in drug screening applications]	"CYCLONE" [laboratory instruments, namely, automated sorting devices for liquid-entrained substances]	Gardner	No
9-6	EX	78288562	Kraft Foods Schweiz Holding AG	Seeherman* Rogers Holtzman	2(d)	Refusal Reversed in both classes		"THE ART OF THE PERFECT CUP" [in Class 11: electric coffee makers for domestic use; in Class 30: coffee, tea and chocolate]	"THE PERFECT CUP" [ground coffee, instant cappuccino and cocoa mix]	Snyder	No

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9-6	EX	76477230	YHWH Our Righteousness Corporation	Walters* Drost Zervas	whether applicant's specimens of use are acceptable	Refusal Affirmed		"YHWH OUR RIGHTEOUSNESS" [educational services, namely, conducting classes and workshops in the field of the Book of Remembrance or Old Testament]		Dawe	No
9-6	EX	76623522	Lipstik, Inc.	Quinn Hohein* Cataldo	2(d)	Refusal Affirmed		"EVERY GIRL WANTS TO WEAR LIPSTIK" [beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, loungewear, neckwear, pants, scarves, shirts, ski wear, slacks, sleepwear, t-shirts, tank tops, socks, and vests]	"LIPSTICK" [junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery]	Gaafar	No
9-7	EX	78364151	K-2 Corporation	Quinn Drost Zervas*	2(e)(1)	Refusal Reversed		"CINCH" [sports equipment, namely, snowboard bindings]		Faint	No

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