

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

**February 6-10, 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
2-6	OPP OPP OPP OPP	91152180 91152228 91152320 91152712	Robert J. Thate v. YaYa, LLC and YaYa Media, Inc.	Quinn* Kuhlke Walsh	2(d)	Opposition Dismissed in all four cases as to all classes	"YAYA" (in stylized format and in the colors red and blue) [toys, namely, spinning tops]	"YAYA" [ <i>in Class 9</i> : computer game software for use on third-party web sites to promote the goods, services, and business of the third party] "YAYA" [ <i>in Class 35</i> : dissemination of advertising for others via an on-line electronic communications network, developing promotional campaigns for business and promoting the goods and services of others by providing video games which are placed on the web sites of others, etc.; <i>in Class 41</i> : entertainment services, namely, providing on-line computer games; <i>in Class 42</i> : product development, namely, developing computer video games for others] "YAYA.COM" [ <i>in Class 9</i> : computer game software for use on third-party web sites to promote the goods, services and business of the third party] "YAYA.COM" [ <i>in Class 41</i> : providing computer games that may be accessed through a global computer network]			No

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

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2-6	CANC	92042118	NAFCO-Inc. v. Choice Decals Corporation	Quinn* Walters Drost	whether petitioner has proved its standing to be heard	Petition to Cancel Denied		"CHOICE DEALS" [license plate decals and stickers featuring state related symbols]			No
2-7	EX	76020517	Aladdin's Eatery, Inc.	Seeherman* Drost Zervas	2(d)	Refusal Affirmed as to both cited registra- tions		"ALADDIN'S EATERY" [small neighborhood storefront restaurants featuring Middle Eastern food specialties]	<i>2 cited registrations, both owned by the same entity:</i> "ALADDIN" [hotel and restaurant services] and "ALADDIN" (and design) [hotel, restaurant, bar, lounge services; beauty salon and health spa services]	Hammel	No
2-8	EX	76571013	Power Detergents, LLC	Seeherman Walters Drost*	2(d)	Refusal Affirmed		"O <sup>2</sup> " (in stylized form) [cleaning products, namely, stain remover, laundry detergent, laundry detergent booster, all purpose cleaning preparation, degreasing preparation not used in manufacturing processes for household use, and spot remover]	"O2 POWER" [general and multi-purpose stain removers and soaps for laundry and general household use]	Dahling	No
2-8	OPP	91155236	SmithKline Beecham Corp. v. Moba, Inc.	Hairston Grendel Drost*	2(d)	Opposition Sustained	"TUMS" [antacids and calcium supplements]; "TUMS FOR THE TUMMY" [carminative antacids]; and a number of other registered marks comprising or incorporating the word TUMS, all for dietary supplements, antacids and the like	"MR. TUMEE" [vitamins and nutritional supplements]			No

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2-8	EX	78266434	SimDesk Technologies, Inc.	Hanak* Hairston Holtzman	2(e)(1)	Refusal Reversed in both classes		“WORLD WIDE SERVER MP” [ <i>in Class 9</i> : communications software for connecting computer users to a global computer network and for allowing computer users to access on-line software applications, namely, word processing, spreadsheet, database, personal information management, file management, and email applications, and applications that provide a user with the ability to design and create data archiving systems, to send printing instructions via a global computer network to a remote printer, and to develop multimedia presentations, etc.; <i>in Class 42</i> : application service provider services featuring on-line software applications for use in word processing, spreadsheet development, database development, personal information management, e-mail, remote printing, data archiving system development and multimedia presentation development]		Awrich	No

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2-9	EX	78298486	Greenspring Media Group Inc.	Quinn Bucher* Drost	2(d)	Refusal Affirmed		"GIRLS NIGHT OUT" [arranging and conducting trade show exhibitions in the field of food and wine, featuring food and wine samples and demonstrations by gourmet chefs]	"GIRLS NIGHT OUT" [advertising agencies, namely, promoting the services of retailers through the distribution of printed, broadcast and Internet promotional materials, and rendering sales promotion advice as to retail sales events]	Blandu	No
2-9	OPP	91156879	Starbucks U.S. Brands, LLC and Starbucks Corporation v. Marshall S. Ruben	Walters Bucher* Zervas	2(d)	Opposition Sustained as to both classes	"STARBUCKS" [coffee, tea, spices, herb tea, chocolate, and cocoa]; "STARBUCKS COFFEE" (and design) [coffee; restaurant services featuring coffee and espresso beverages and also serving sandwiches and breakfasts]; <i>and numerous other registered marks comprising or incorporating the word "STARBUCKS" for a variety of goods and services]</i>	"LESSBUCKS COFFEE" [ <i>in Class 30</i> : coffee, tea, and coffee-based and tea-based beverages; <i>in Class 35</i> : retail store services featuring coffee, tea, coffee-based beverages, and tea-based beverages]			Yes
2-9	CANC	92042503	Emerald Bio-agriculture Corporation v. Biosafe Systems, LLC	Bucher Drost* Kuhlke	2(d)	Petition to Cancel Granted	"AUXIGRO" [fertilizers, namely, organic acids that increase plant growth and yield for agricultural or domestic use]	"OXYGROW" [chemical compositions for treating soil to enhance growth of agricultural and horticultural products]			No

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