

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

March 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
3-6	EX	76310516	Westlake Plastics Company	Holtzman* Rogers Walsh	2(e)(1)	Refusal Affirmed		"FM4910" [flame retardant fluoropolymer plastic material for the semiconductor industry sold in sheets, rods, and other preformed shapes]		Spils	Yes
3-6	EX	76300876	Finisar Corporation	Quinn Kuhlke* Walsh	2(e)(1)	Refusal Affirmed		"SMARTSFP" [optical transceivers]		Malik	Yes
3-6	OPP (SJ)	91163169	Chemical Financial Corp. v. 200 Kelsey Associates, LLC	Rogers Walsh Zervas [Opinion "By the Board" (Taylor)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"CHEMICAL BANK" [banking services; financial services, namely, investment management and advice and investment fund transfer and transaction services, etc.]	"CHEMICAL BANK" (and other marks incorporating those two words) [banking services, namely, financial analysis and consultation, financial services in the field of money lending, money lending, investment fund transfer and transaction services]			No
3-6	EX	78233868	MagCode AG	Seeherman Quinn* Walsh	2(e)(1)	Refusal Affirmed		"MAGCODE" [electrical sockets, electrical plugs, electrical power adapters, electrical switches, electrical cables and electrical connectors for subassemblies in machines and vehicles, <i>and other goods</i>]		Taylor	No
3-6	OPP	91153080	Immunex Corporation v. Applied Medical Research, Inc.	Seeherman Bucher* Walsh	2(d); dilution	Opposition Sustained [but only on 2(d) ground for opposition]	"IMMUNEX" [pharmaceuticals for the treatment of autoimmune diseases, healing wounds, and cancer]	"IMMUNO-RX" [vaccines composed of killed bacterial bodies and their lysates and probiotic bacteria for use in stimulating the immune system]			No

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

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3-8	OPP (SJ)	91163232	Big O Tires, Inc. v. Bigfoot 4x4, Inc.	Walters Rogers Kuhlke [Opinion "By the Board" (Lykos)]	2(d); affirmative defense of contractual estoppel	Opposition Dismissed [Applicant BigFoot 4x4's motion for summary judgment granted]	"BIG FOOT" [tires, wheels, vehicle replacement parts, etc.]	"BIGFOOT" [videotapes featuring monster trucks; interactive video game programs featuring monster trucks; multimedia software recorded on CDROM in the field of monster truck races and demonstrations; and digital video discs featuring monster trucks]			No
	OPP (SJ)	91166074	Bigfoot 4x4, Inc. v. Big O Tires, Inc.		2(d); contractual estoppel	Opposition Dismissed [Applicant Big O Tires' motion for summary judgment granted]	"BIGFOOT" [monster trucks, depictions of monster trucks, etc.]	"BIG FOOT" [vehicle batteries]			
3-8	EX	78290736	Griffith Laboratories International, Inc.	Holtzman Bucher Walsh*	2(d)	Refusal Affirmed		"OPTIMA" [food flavorings, not being essential oils]	"OPTIMA" [edible oils and shortenings]	Oslick	No
3-8	EX	78278235	Classic Media, Inc.	Seeherman Quinn* Walters	2(e)(1)	Refusal Affirmed		"SATURDAY MORNING T.V." [entertainment in the nature of on-going television programs in the field of comedy]		Jenkins	Yes

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3-8	EX	78313276	Volume Services America, Inc.	Hairston Bucher* Zervas	2(d)	Refusal Affirmed		"TOP DOG A CENTERPLATE BRAND" (and design) [concession stands, retail kiosks, roving vendor services featuring foods, beverages, souvenirs, novelties and/or sundries]	"TOP DOG FAST FOODS" (in stylized lettering) [restaurant services]	White	No
3-9	EX	78361704	TLC Services Group, Inc.	Hohein Drost* Kuhlke	2(d); 2(e)(1)	Refusal Affirmed [but only on 2(d) grounds]		"TLC LOGISTICS MANAGEMENT" [business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, production systems and distribution solutions; and employment counseling and recruiting services, including providing temporary and permanent staff]	"TLC STAFFING" [employment agency, namely, providing temporary personnel for others in the professional, administrative, and technical fields]	Brown	No
3-9	EX	75809667	Manhattan Scientifics, Inc.	Walters Rogers Drost*	2(e)(1)	Refusal Affirmed		"MICROFUEL" [fuel cells and fuel cell tanks for producing electrical energy; chemical fuel for fuel cells provided as a unit with the foregoing]		Goodman	No

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