

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

August 7-11, 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
8-2**	EX	78395320	TCL GoVideo	Seeherman* Grendel Zervas	2(e)(1)	Refusal Reversed		"YourDVD" [consumer electronic devices, namely: DVD players and recording apparatus; portable digital audio players and video disk players; combination video players and recorders; TV sets] <i>Note: Applicant's identification of goods included other items for which its mark was not refused registration.</i>		Twohig	No
8-7	EX	76571862	Adamchik	Quinn Kuhlke Cataldo*	2(e)(1); whether applicant's identification of goods is acceptable; whether applicant's specimens show service mark use of its mark in connection with its recited e-mail hosting services	Refusal Affirmed, but only as to requirements for amendment to the identification of goods and for an acceptable specimen of use		"OBJECTSTYLE" [providing web and e-mail hosting services to the open-source software development community]		H. Fisher	No
8-7	EX	78361172	Mexico 69 SRL	Hairston Walters Kuhlke*	2(a) [immoral or scandalous matter]	Refusal Affirmed		"DE PUTA MADRE" [men's and women's jumpers, sweaters, t-shirts, shirts, trousers, hats]		Snyder	No

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**Inadvertently omitted from the summary for the week of July 31-August 4, 2006

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8-7	EX	76601030	White Palace, Inc.	Bucher Grendel* Kuhlke	2(d)	Refusal Affirmed		"5TH ELEMENT" [men's and boys' wearing apparel, namely, t-shirts, sweatshirts, tank tops, woven shirts, sweaters, cardigans, vests, jackets, pants, sweatpants, jeans, shorts, hats, caps, coats, scarves, neckerchiefs, neck bands, wrist bands, head bands, gloves, belts, pajamas, shoes, socks, underwear, swim wear, and trunks; <i>and a similar list of clothing items for women and girls</i>]	"3RD ELEMENT" [waterproof, windproof, water-shedding, moisture-transmitting, and breathable clothing, namely, shirts, pullovers, salopettes, balaclavas, caps, jackets, vests, gaiters, and trousers, all the foregoing being used for outdoor activities such as walking, climbing, and skiing; and belts, footwear, caps, and hats]	Pino	No
8-7	EX EX	78369090 78369803	Cordaire & Partners Company Inc.	Quinn* Hairston Drost	2(d)	Refusal Affirmed in both cases		"MVP" [online betting services] <i>and</i> "MVP SPORTSBOOK" [Internet betting services]	"MVP" [casino services offered to preferred customers identified by special identification cards]	Choe <i>and</i> Dahling	No
8-8	OPP	91162358	Hola, S.A. v. Entertainment Merchandising Technologies, L.L.C.	Grendel* Walsh Cataldo	2(d)	Opposition Sustained	"HELLO!" (and design) [newspapers for general circulation, fiction books, and general feature magazines; telecommunication services, namely, personal communication services]	"HELLO MONEY" [magnetically encoded prepaid phone cards]			No

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8-9	EX	78259782	John M. Floyd & Associates, Inc.	Seeherman* Grendel Zervas	2(e)(1)	Refusal Reversed		"PRIVILEGE MANAGER MRM" [computer software for use in providing management reports, custom reports and account holder communications for financial institutions in connection with the supervision of overdrawn accounts and customer relations]		Yard	No
8-9	EX	78298898	Jordan Outdoor Enterprises, Ltd.	Walters Bucher Cataldo*	whether applicant's specimen of use is acceptable [mutilation]	Refusal Reversed		"REALTREE HARDWOODS GREEN HD" [cotton, wool, or synthetic fabrics having camouflage patterns]		J. McMorrow	No
8-9	EX	78309815	Nigerelli Systems, Inc.	Quinn Bucher* Rogers	2(d)	Refusal Reversed in both classes		"AQUAMASTER" [<i>in Class 11</i> : pond aeration equipment, namely, a submerged electric pump for circulating water from the bottom to the top of lakes or ponds; water fountains; <i>in Class 35</i> : wholesale and retail services featuring pond aeration equipment and water fountains]	"AQUAMASTER" (and design) [water purification systems for residential, commercial, and industrial use, namely, reverse osmosis water systems comprising a number of parts including booster pumps; ultraviolet water systems comprising a number of parts including booster pumps; water filtration systems comprising a number of parts, including booster pumps]	Thompkins	No

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8-9	EX	76460409	Aristocrat Technologies Australia PTY Limited	Bucher* Grendel Walsh	2(e)(1); whether applicant failed to comply with Rule 2.61(b)	Refusal Affirmed (on 2(e)(1) ground only)		"WILD SUIT" [gaming devices, namely, gaming machines and associated software for use therewith, to enable the gaming machine to run]		Stephens	No
8-10	EX	78383304	Daedalus Media, LLC	Holtzman* Zervas Kuhlke	2(d); Section 6 disclaimer requirement (of the term "MM") [Note: Applicant disclaimed the word ENTER-TAINMENT]	Refusal Reversed on both grounds		"ATMOSPHERE ENTERTAINMENT MM" [television and film studio production services]	"ATMOSPHERES" [entertainment services, namely, providing television programs]	Peete	No
8-10	EX EX	76334331 76334334	NexGen Resources Corporation	Hohein* Hairston Grendel	2(d)	Refusal Reversed in all three classes in both cases		"NEXGEN" (and design) and "NEXGEN" [both marks for: <i>in Class 35</i> : procurement, namely, purchasing of coal for others; <i>in Class 39</i> : transportation of coal by train; delivery of coal by train; storage of coal; <i>in Class 40</i> : processing of coal, namely, providing operating personnel and support services]	<i>2 cited registrations, owned by different entities:</i> "NEXGEN" [utility services, namely, the transmission, distribution and supply of electricity; generation of electricity] and "NEXGEN FUELING" [installation of gas or liquefied gas distribution systems, etc.; design for others in the field of gas or liquefied gas systems; and other services]	Billheimer	No

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8-10	EX	78254698	Jordan Drew Corporation	Bucher Grendel Holtzman*	2(e)(1)	Refusal Affirmed		"THE SALON SHOPPE" [cosmetics and personal care products, namely, nail polish, skin care moisturizers, lotions and creams, hair shampoos and conditioners, hair removal creams]		Fletcher	No
8-10	EX	78223935	Armor Inox SA	Quinn Walters Drost*	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Reversed		"MULTIMOLDS" [stackable, metal processing molds for industrial food preparation]		Suarez	No
8-10	EX	78499928	200 Kelsey Associates, LLC	Grendel Drost* Kuhlke	2(e)(4)	Refusal Affirmed		"BRANIFF" [transportation of persons, property and mail by air]		S. Thomas	No
8-10	EX	76495506	L. Perrigo Company	Holtzman Drost* Zervas	2(d)	Refusal Affirmed		"DIET SMART" (in stylized lettering) [dietary supplements]	"DIETSMART" [providing information in the fields of fitness, food, dieting and exercise by means of a website on a global computer network]	H. Fisher	No
8-10	EX	76572106	Nature's Rest, Inc.	Bucher Grendel Drost*	2(d)	Refusal Affirmed		"SUPERLOFT" [latex pillows]	"SUPRA-LOFT" [bed pillows]	Fletcher	No
8-11	EX	78393010	H.H. Brown Shoe Technologies, Inc.	Quinn Hohein* Rogers	2(e)(1)	Refusal Affirmed		"LUFFA" [personal care products, namely, cosmetics, non-medicated skin preparations, and non-medicated toiletries]		Sterkin	No

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8-11	EX	78363723	Homax Products, Inc.	Bucher* Holtzman Cataldo	2(e)(1)	Refusal Affirmed		"SOFTARP" [flexible sheet material in the nature of tarpaulin for use in covering, lining, or separating objects and materials]		Leipzig	No
8-11	OPP	91162010	Queen Productions Limited v. Andrew Walker	Grendel Holtzman Zervas*	2(d)	Opposition Sustained	"QUEEN" [video and sound recordings, <i>etc.</i> ; goods made from paper or cardboard, all featuring or pertaining to a musical group, <i>etc.</i> ; stationery, pens, both featuring or pertaining to a musical group; articles of outer clothing featuring or pertaining to a musical group, sold at concerts and record stores, <i>etc.</i> ; entertainment in the nature of live musical concerts; radio program production and TV show production; <i>and other goods and services</i>]	"DRAMA QUEEN DIE" (and design) [musical compositions, recordings and performances; entertainment, namely, live performances by a musical band; entertainment in the nature of a musical group featuring live performances of musical compositions; song writing services]			No
8-11	EX	76590632	Wolf	Quinn Hairston Zervas*	2(d)	Refusal Affirmed		"PURSE PAL" [portable, battery operated multipurpose utility light having a plastic case for personal uses including attachment to and illumination of the interior of a purse]	"PURSEPAL" [purse-holder, namely, a metal hook used to hold a purse or handbag to a table]	Pappas	No

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