

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 28 – March 3, 2000**

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
2-28	OPP (R)	98,910	Sara Lee Corp. v. Dawn Marie Chaikin	Simms Seeherman Hohein [Opinion "By the Board"]	2(d); fraud	Opposition Sustained (Opposer's cross-motion for summary judgment, on fraud ground, granted)	"COOLKNIT" [fabric]	"COOL FIT" [clothing]			No
2-29	EX EX EX	75/026,413 75/026,414 75/052,422	SMJ Group, Inc.	Hanak Quinn* Bottorff	2(e)(3)	Refusal Affirmed (in all three cases)		"BROOKLYN DINER USA -- THE FINER DINER," "BROOKLYN DINER USA -- THE FINER DINER" (with two different designs) [all three marks for restaurant services]		K.M. Le	No
2-29	EX (R)	74/582,574	Southwest Student Services Corp.	Hohein* Hairston Wendel	2(e)(1) [genericness]	Request for Reconsideration Denied (Refusal Affirmed)		"COLLEGECARD" [financial services, namely, providing to students enrolled at participating institutions of post-secondary education a low-cost line of credit accessed by a transaction card for payment of education-related expenses to the institution and to participating merchants affiliated with the institution]		Lykos	No

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2-29	EX (R)	74/528,633	Wireless Unified Network Systems Corp.	Simms Seeherman* Bottorff	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"WIRELESS UNIFIED NETWORK SYSTEMS CORPORATION" [telecommunications services, namely, providing wireless network communications services using a sub-orbital high altitude communications network that is integrated with a land based communications network]		Glynn	No
3-1	CANC (SJ)	25,094	Viacom Int'l. Inc. v. Raymond Robinson	Quinn Chapman Wendel (Opinion "By the Board")	2(d)	Petition to Cancel Granted [Petitioner's motion for summary judgment granted]	"FREE YOUR MIND" [public service campaigns to promote awareness among young adults of the value of cultural diversity; and t-shirts, posters, buttons, etc. promoting the campaigns]	"FREE YOUR MIND" [hats and t-shirts]			No
3-1	EX	74/511,435	Shuttsco, Inc.	Simms Seeherman* McLeod	de jure functionality; whether the matter applicant seeks to register has acquired distinctiveness under Sec. 2(f)	Refusal Reversed		the color orange applied to the head of applicant's goods [snow removal hand tool with a snow removing head at one end, the head being of a solid uninterrupted construction with prongs]		Vlcek	No

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3-1	EX	75/295,866	Majunga Consolidated Holdings, Inc.	Simms Wendel* Rogers	2(e)(2)	Refusal Affirmed		"MAJUNGA" (in stylized lettering) [raffia fibers]		Altree	No
3-1	EX	75/315,876	American Fiber & Finishing, Inc.	Quinn* Bucher McLeod	2(e)(1)	Refusal Reversed		"BABY BURPERS" [cloths having multiple uses, namely, burp cloths, lap pads, changing pads, bibs, wash cloths, and baby wipes]		Alt	No
3-1	EX	75/270,695	Stahlbush Island Farms, Inc.	Seeherman* Chapman Wendel	2(d)	Refusal Reversed		"STAHLBUSH ISLAND FARMS, INC." (and design) [frozen fruit and vegetables and cooked fruit and vegetable purees]	"ISLAND FARM" (in stylized lettering) [canned asparagus and peas]	Bullock	No
3-1	OPP	101,325	A. H. Robins Co., Inc. v. Ronald Striegel	Seeherman* Quinn Hohein	2(d)	Opposition Sustained (on the basis of opposer's mark "EXTENTABS")	"EXTENTABS" [extended action medicinal preparation providing for the gradual release of a medicament in the gastro-intestinal tract]; and other marks incorporating the term "EXTENTABS"]	"EXPECTAB" [pharmaceutical preparations, namely, guaifenesin based expectorants]			No
3-2	EX	74/651,205	Iowa Mfg. Inc.	Quinn* Hairston Holtzman	genericness	Refusal Affirmed		"THE WEDGE" [metal clamps, namely, work bench-top tool mounting clamps]		McGee	No

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3-2	EX	75/260,630	Stunmuzzle Corp.	Simms Seeherman* Wendel	2(e)(1)	Refusal Affirmed		"STUNMUZZLE" [dog muzzles to which remote control or interactive devices, namely, stun guns, cameras, radios, microphones, or speakers, may be attached]		J. McMorrow	No
3-2 3-2	EX EX	75/183,788 75/183,790	ZD Inc.	Hanak* Hohein Wendel	2(e)(1); requirement for additional information under Rule 2.61(b); requirement for a more particular identification of services	Refusal Reversed		"HOMESHOPPER" [providing information of general interest to consumers via a global computer network and providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information]; "HOMESHOPPER" [printed publications, namely, magazines and newspapers and sections and columns therein and supplements thereto, newsletters, journals, directories, pamphlets and brochures featuring information of general interest to consumers]		Thayer	No

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3-2	EX	75/245,378	Melt Your Heart, Inc.	Simms Chapman* Bucher	whether the specimen of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered [mutilation]	Refusal Affirmed		"MELT YOUR HEART" [decorative wooden outdoor adornments for snow sculptures]		Menker	No
3-2	EX	75/092,220	Ball Corp.	Simms* Hairston McLeod	whether applicant's proposed amendment to the drawing of its mark is acceptable; de jure functionality; whether the configuration applicant seeks to register is inherently distinctive	Refusal Affirmed (on grounds of de jure functionality). <i>Proposed amendment to the drawing found unacceptable.</i>		product configuration of the top of a container for liquids, consisting of a larger circular ridge and a smaller more elevated circular ridge [metal tops for liquid containers]		Matthews	Yes

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3-3	EX EX	75/175,858 75/292,529	Brach Van Houten Holding Inc.	Cissel Hohein* Rogers	2(e)(1)	Refusal Affirmed (in both cases)		"HONEY CORN" and "FRUITY CORN" [ <i>both marks for candy</i> ]		Front	No
3-3	OPP	99,534	Minuteman Int'l., Inc. v. Royal Appliance Mfg. Co.	Walters* Wendel Bottorff	2(d)	Opposition Sustained	"MPV" [vacuum cleaners for commercial and industrial use]	"MVP" [electrical vacuum cleaners for both domestic and industrial use]			No

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