

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 24-28, 2005

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
10-24	OPP	91124967	Wyeth v. David M. Graham	Walters Bucher Drost*	2(d)	Opposition Sustained	"ADVIL" [three registrations: an analgesic preparation; anti-pyretic and anti-inflammatory preparations and preparations for the treatment of juvenile arthritis, rheumatoid arthritis and osteoarthritis; cold and sinus relief medicines]	"ADVALIFE" [stylized] [vitamins, minerals and nutritional dietary supplements]			No
10-24	EX	76343540	The United States Academic Decathlon Association	Chapman* Zervas Kuhlke	2(e)(1)	Refusal on genericness reversed; refusal on descriptive -ness affirmed; refusal on lack of acquired distinctiveness reversed		"ACADEMIC DECATHLON" [educational and entertainment services, namely, academic competitions and educational testing]		Kazazian	No
10-24	EX	76508596	Gags and Games, Inc.	Hohein* Chapman Bucher	2(d); 6(a); 1(a) [specimen]	Refusal under 1(a) reversed; refusals under 2(d) and 6(a) affirmed		"HALLOWEEN USA" and design [retail store services featuring a wide variety of general merchandise with a Halloween theme]	"HALLOWEEN U.S.A." and design [retail store services featuring a wide variety of general merchandise with a Halloween theme]	Oslick	No

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

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10-26	OPP	91117894	Leo Stoller dba Central Mfg and Central Mfg Co, joined as plaintiffs v. Sutech U.S.A., Inc.	Walters* Holtzman Rogers	2(d)	Opposition Dismissed	"STEALTH" [lawn sprinklers] and family of "STEALTH" marks [for "a range of goods"]	"STEALTH" [machinery, namely, lawn mowers]			No
10-26	OPP	91155594	XOXO Clothing Company, Inc. and Global Brand Holdings, LLC v. Aytemizler Orgu Ve Dokuma Urunleri Uretim Limited Sirketi	Quinn Hairston Drost*	2(d)	Opposition Sustained	"XOXO" [six registrations] and "XOXO JEANS" [various clothing items for men, women and children; luggage and handbags; eyeglasses and sunglasses; women's shoes; jewelry, watches and clocks; retail clothing store services]	"OXXO" [stylized] [a wide variety of clothing and underclothing items; masquerade costumes; shoes, boots and belts; parts of shoes]			No
10-26	EX	78271326	Reebok International Limited	Holtzman (D) Rogers Drost*	2(e)(4) [primarily merely a surname]	Refusal Reversed		"J.W. FOSTER" [a wide variety of athletic or recreational clothing items; various other clothing items; bathing suits; wrist bands]		Kovalsky	No

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10-27	EX	78207954	Dugger, Timothy P.	Hairston Kuhlke Walsh*	2(e)(1)	Refusal Affirmed		"CAREER CAFÉ" [providing an internet web site featuring information in the field of job placement; resume creation and preparation services; personality testing for job selection and placement; providing a database featuring resumes and job listings; employment outplacement services; job placement services; organizing and conducting job fairs; providing facilities for business meetings by clubs and other organizations; business consultation; employment recruiting services; testing to determine employment job skills] [restaurant and bar services; catering services]		Achen	No
10-28	OPP (SJ)	91164102	The Hygenic Corporation v. Rudolph International Inc.	Chapman Bucher Drost [Opinion "By the Board" (Skoro)]	2(d) [res judicata]	Opposition Sustained	"H HYGENIC" and design [six registrations] [variety of wellness products]	"HYGIENICS" [manicure kits, namely, nail files, cushioned nail files, emery boards, nail buffing implements and blocks, nail sanders and cuticle sticks all sold as a unit in transparent plastic cases and replacement parts and refills therefore]			No

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