

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

October 3-7, 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
10-4	EX	76432947	Ortho Development Corporation	Holtzman Rogers Walsh*	2(d)	Refusal Affirmed		“ORION-1” [<i>a variety of</i> electrosurgical instruments used in separating, severing, cutting, coagulating, vaporizing and devitalizing tissues for medical and surgical purposes in the medical fields of neurosurgery, gynecology, orthopedics, otolaryngology, plastic surgery and urology, and excluding application surgical hand tools involving the spine; said electrosurgical instruments being distributed to medical doctors and hospitals through scrutinized purchasing procedures conducted by medical doctors and medical specialty item distributors, and manufactured, distributed, and sold through trade channels associated within the medical implant manufacturing and medical device manufacturing industry to medical doctors and hospitals]	“ORION” [plates, screws, rings and other components used in surgical implant systems particularly involving the spine, and for application tools and instruments, namely, surgical hand tools and clamps]	Jenkins	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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

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10-4	EX (R)	74734496	Bose Corporation	Hairston Bucher* Drost	Requirements for evidence and in regard to drawing and description; Res Judicata; 2(e)(5); De Jure functional configuration and, if not, insufficient evidence of acquired distinctiveness	Request for Reconsideration Denied (Refusals on Res Judicata and on De Jure Functionality Affirmed; but other Refusals Reversed)		Product design, namely design of a loudspeaker [loudspeaker systems]		Clark	No
10-4	EX	78326944	Sleepy-heads.com Inc	Grendel* Rogers Drost	2(d)	Refusal Reversed		"SLEEPYHEADS.COM" [on-line retail store services featuring clothing]	"SLEEPY-HEAD HOUSE" [retail store services specializing in furniture and bedding]	Blandu	No
10-5	EX	78168051	Kinedyne Corporation	Walters Chapman* Holtzman	2(d)	Refusal Affirmed		"RHINO WEB" (and design) [woven flexible strapping for restraint and securement of cargo and individuals in wheelchairs during transit by vans, buses, trucks and trains]	"RHINO ROPES" (and design) [rope]	Kon	No
10-6	EX	76317811	KRB Seed Company, LLC	Bucher Drost Kuhlke*	genericness (plant varietal name)	Refusal Affirmed		"THE REBELS" [grass seed]		Sharper	No

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10-7	EX	76300952	IqinVision, Inc.	Quinn Hohein* Hairston	2(d)	Refusal Affirmed		"IQEYE3" [computerized digital cameras for use in security and surveillance applications]	"EYE Q" (in a design format) [digital cameras, photographic cameras and digital camera peripherals, namely, printers and scanners]	Kazazian	No

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