

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 15-19, 1997

| 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 |
|-------------|-----------------|-------------------------|--------------------------|-----------------------|---|------------------|--|--|--|--------------------|------------------------------|
| 9-16 | EX | 74/403,241 | W. Wendell Smith | Simms Cissel* Walters | whether the specimens of record show trademark use of the matter applicant seeks to register | Refusal Affirmed | | "BURLAP IS BIO-FRIENDLY" [unpopped popping corn] | | Bullock | No |
| 9-16 | EX | 74/564,654 | STL Management, Inc. | Cissel Hanak Walters* | 2(d) | Refusal Affirmed | | "QUANTUM CONTINUUM" [health care and management of patients in rehabilitative care] | "QUANTUM HEALTH RESOURCES" [healthcare services] | Lykos | No |
| 9-16 | EX | 74/659,192 | Capital Bluecross | Sams Quinn* Hairston | whether the activity performed by applicant in connection with its mark is a "service" for purposes of registration of the mark | Refusal Reversed | | "CHECK IT OUT" [arranging for automatic payments of health care subscribers' monthly payment premiums by obtaining authorization to debit subscribers' accounts at financial institutions and supervising such payment arrangements for subscribers] | | Mermelstein | No |
| 9-18 | EX | 74/628,209 | Volk Optical, Inc. | Simms Hohein* Walters | 2(e)(1) | Refusal Affirmed | | "SMALL PUPIL" [ophthalmoscopy lens] | | Leifman | No |
| 9-18 | EX | 74/621,349 | Intek Technologies, Inc. | Sams Simms* Hanak | 2(d) | Refusal Affirmed | | "VIVID" [computer software and instructional manuals, sold together as a unit, for use as tools in designing client server applications] | "VIVID" [computer programs and instruction manuals, sold as a unit, used in the production and manipulation of graphic displays] | Dalier | No |

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Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration
(2) *=Opinion Writer; (D)=Dissenting Panel Member

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| 9-18 | OPP | 94,929 | Minnesota Mining and Mfg. Co. v. Stephen M. Dole and Marianne V. Dole | Hohein Hairston* | 2(d); 2(e)(1) | Opposition Sustained [on 2(d) ground only] | "POST-IT" [adhesive paper products] | "POSTSTICKERS" [printing postcards with adhesive backing to the order and specification of others] | | | No |
| 9-19 | EX | 74/642,390 | Class Act Performing Artists & Speakers, Inc. | Simms Hohein Hairston* | 2(d) | Refusal Affirmed | | "CLASS ACT PERFORMING ARTISTS & SPEAKERS" (and design) [booking agency services for performing artists and speakers] | "CLASS ACT" (in stylized lettering) [entertainment services in the nature of acting performances] | | No |
| 9-19 | EX | 74/442,309 | Opryland USA Inc. | Simms (D) Hanak* Hairston | 2(d) | Refusal Reversed | | "MUSIC CITY EVENTS" [catering; contract food and beverage services] | "MUSIC CITY ROADHOUSE" and "MUSIC CITY ROADHOUSE" (and design) [restaurant services] | Micheli | No |

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