

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 16-20, 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
1-17	CANC CANC	92041796 92041803	D.K. Agencies (P) Ltd. v. Dorling Kindersley Limited	Seeherman* Hohein Walters	2(d) [whether petitioner's 2(d) claim may be asserted]	Petition to Cancel Dismissed in both cases	"DK" [newspapers, periodicals, books, trade magazines, newsletters and book bindings; publishing services]	<i>two registrations for: "DK" (and "open book" design) [oversize or folio books on a variety of non-fiction topics] and [videotapes, CDs, computer software and audiotapes featuring a wide variety of specified subjects]</i>			No
1-17	OPP	91155165	Austin, Nichols & Co., Inc. v. Stichting Lodestar	Hairston Holtzman Kuhlke*	2(d)	Opposition Sustained as to both classes	"WILD TURKEY" and other marks incorporating the words "WILD TURKEY" [various alcoholic beverages]	"WILD GEESE" [<i>in Class 32: beers, mineral and aerated waters; soft drinks; fruit drinks and juices; syrups and preparations for making beers, cola, etc.; in Class 33: wine, rum, gin, vodka, whiskey, alcoholic bitters, brandy, hard cider, distilled spirits, sake, prepared alcoholic cocktails, etc.</i>]			No
1-17	EX	76529918	Elegant Headwear Co., Inc.	Quinn* Hairston Holtzman	2(d)	Refusal Affirmed		"MEGA-LOFT" [hats]	"MEGALOFT" [insulating fabric for clothing]	Vallillo	No
1-17	EX (R)	76536428	Elegant Headwear Co., Inc.	Hairston Drost* Kuhlke	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"BABY'S FIRST" [baby bibs not of paper]	"BABY'S FIRST" [infants' footwear]	Singh	No

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

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1-18	EX	76522619	CableTrim, Inc.	Quinn* Hohein Drost	2(e)(1)	Refusal Affirmed		"CABLETRIM" [wood moldings]		Powers	No
1-18	EX EX EX EX	75460305 75460306 75496386 75497543	America Online, Inc.	Hairston Rogers Drost*	genericness; whether applicant's marks, if not generic, are nonetheless merely descriptive; whether applicant's marks, if merely descriptive though not generic, are registrable under Section 2(f)	Refusal Reversed in all four cases and as to all classes [Marks will be published with 2(f) notation.]		"INSTANT MESSENGER" and "AOL INSTANT MESSENGER" [both marks for: in Class 38: telecommunications services, namely, electronic transmission of data, images and documents via computer terminals; electronic mail services; and facsimile transmission; in Class 39: electronic storage of data and documents] "INSTANT MESSENGER" and "AOL INSTANT MESSENGER" [both marks for: in Class 42: computer services, namely, providing multiple user access to computer networks and bulletin boards and the transfer and dissemination of a wide range of information, providing a wide range of general interest information via computer networks]		Cataldo	Yes

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1-18	EX	78250129	Kerry Joyce	Seeherman* Quinn Kuhlke	2(e)(1)	Refusal Affirmed in both classes		"BRIEF SHEETS" [<i>in Class 16: printed instructional pamphlets on a wide variety of subjects, etc.; in Class 41: online publications, namely, instructional pamphlets on a wide variety of subjects, etc.</i>]		Gearin	No
1-18	EX	78297602	Sidie	Hohein* Hairston Walsh	2(d)	Refusal Affirmed		"CRYSTAL AIRWAYS" [transportation of passengers and goods by air]	"KRYSTAL" [air transportation services; storage of aircraft in the nature of rental hangar space, and delivery of goods by truck]	Meier	No
1-19	EX	78373988	The Prudential Insurance Company of America	Hairston Grendel Kuhlke*	Section 6 disclaimer requirement (of the word DISCIPLINE) [<i>Note: Applicant disclaimed the word RESEARCH</i>]	Refusal Reversed		"EXPERIENCE RESEARCH DISCIPLINE" [mutual fund investment, brokerage and distribution services; investment management services; investment advisory services; portfolio management services; purchase and sale of assets and securities for others; fiduciary representative services; financial valuation of assets and securities for others; financial research services; providing financial account and investment information by means of a global computer network]		Matthews	No

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1-19	OPP	91150380	Hill's Pet Nutrition, Inc. v. PMI Nutrition, Inc.	Rogers Kuhlke* Walsh	2(d)	Opposition Sustained	"SUPERIOR NUTRITION FOR THE LIFE OF YOUR PET" and "SUPERIOR NUTRITION FOR THE LIFELONG HEALTH OF YOUR PET" [both marks for pet food]	"SUPERIOR NUTRITION FOR EXCEPTIONAL PETS" [pet food]			No
1-20	EX	76518244	GoSMILE, Inc.	Hairston Walters Walsh*	2(d)	Refusal Affirmed		"GOSMILE PM" [toothpaste marketed and sold in high end retail department stores as well as in spas, salons, resorts, doctors' offices, dentists' offices, and high end hotels]	"P.M." [toothpaste and tooth gel]	Zak	No

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