

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
November 5-9, 2001**

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
11-7	CANC	28,715	Avon Products, Inc. v. Something Old, Something New, Inc.	Simms Wendel* Drost (D, in part)	fraud; non-use of mark as of either the time of filing of the statement of use or as of the registration date); genericness or mere descriptiveness	Petition to cancel granted, but only on bases of non-use and mere descriptiveness		"BIRTHSTONE" [perfumes and perfume toilet soaps]			No
11-7	OPP	110,696	U.S. Olympic Committee v. Calcados Azaleia S.A.	Seeherman Walters Chapman*	2(d); 2(a) [false suggestion of a connection]; applicability of the 1998 Olympic and Amateur Sports Act amendment to the Amateur Sports Act of 1978	Opposition Sustained (but only as to 2(d) ground for opposition and only as to use of opposer's pleaded mark for footwear)	"OLYMPIC" [a variety of goods, not including clothing or footwear]; "OLYMPIAN" [golf clubs; magazines]; "OLYMPICAP" [caps, hats and visors]; "OLYMPICS USA" (and design) [footwear, namely, shoes]	"OLYMPIKUS" [footwear]			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

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
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11-8	EX	75/765,120	Polygenyx, Inc.	Seeherman* Wendel Bucher (D)	2(e)(1)	Refusal Reversed		"POLYGENYX" [analytical products for genotyping and DNA sequencing, namely, test kits for diagnostic, prognostic and pharmacogenomic applications; for life science research; for DNA-fingerprinting; and for identification and marker-assisted selection of individuals, for use with humans, plants, animals, fish, and microorganisms; and analytical services for the same]		Bullock	No
11-9	EX EX	75/721,622 75/721,624	Cimarron Tire Auto Performance Specialist, Inc.	Chapman* Rogers Drost	2(d)	Refusal Affirmed (in both cases)		"CIMARRON TIRE" <i>and</i> "C CIMARRON TIRE AUTO PERFORMANCE SPECIALIST (and design) [both marks for retail automobile parts and accessories stores featuring automobile tires and automobile maintenance, repair and service]	"CIMARRON" (in stylized lettering) [motor vehicles, namely, automobiles]	French	No

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