

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB MARCH 20, 00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Vern Vermeulen

Serial No. 75/437,487

Request for Reconsideration

Vern Vermeulen, pro se.

Shaunia P. Wallace, Trademark Examining Attorney, Law
Office 107 (Thomas Lamone, Managing Attorney)

Before Seeherman, Wendel and McLeod, Administrative
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Vern Vermeulen has filed a request for reconsideration
of the Board's decision, mailed February 1, 2000, affirming
the refusal of registration.

With his request applicant has submitted additional
evidence in support of his position that his mark is not

likely to cause confusion with Registration No. 1,516,952 for the mark FACE MAGIC. Applicant is advised that this evidence is untimely and cannot be considered. The record in the application should be complete prior to the filing of an appeal. Trademark Rule 2.142(d).

Applicant's arguments with respect to the differences between "FACE" and "FACIAL" have been considered but, as we stated in our decision, we find that the differences are not sufficient to avoid confusion. Similarly, although applicant argues that its goods and those of the registrant are sold in different channels of trade, there are no limitations as to the channels of trade for applicant's and the registrant's goods, and we must therefore assume that they travel in the same channels of trade.

The request for reconsideration is denied.

E. J. Seeherman

H. R. Wendel

L. K. McLeod
Administrative Trademark Judges
Trademark Trial and Appeal Board