

10/11/01

**THIS DISPOSITION
IS NOT CITABLE AS PRECEDENT
OF THE T.T.A.B.**

Hearing:
June 12, 2001

Paper No. 15
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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Anton/Bauer, Incorporated

Serial No. 75/659,877

On Request for Reconsideration

Allen D. Brufsky for Anton/Bauer, Incorporated.

Charles G. Joyner, Jr., Trademark Examining Attorney, Law
Office 112 (Janice O'Lear, Managing Attorney).

Before Simms, Bottorff and Rogers,
Administrative Trademark Judges.

Rogers, Administrative Trademark Judge:

Applicant, focusing on only one portion of our decision affirming the Examining Attorney's refusal of registration, has proffered an amendment restricting its identification of goods. Applicant apparently believes that we would, given such restriction, vacate our earlier decision and reverse the refusal of registration.

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Amendment of the application at this time is not permitted. See Trademark Rule 2.142(g), 37 C.F.R. §2.142(g). ("An application which has been considered and decided on appeal will not be reopened except for the entry of a disclaimer under §6 of the Act of 1946 or upon order of the Commissioner...") Accordingly, the request to amend the application is denied.

Moreover, even if the amendment could be approved and was entered, we would not change our decision. Entry of the amendment would not change in any way the identification in the cited registration, which could be read to encompass the goods of applicant with or without the proffered amendment; and the similarity of applicant's mark and that of the cited registration would remain.

The request for reconsideration is denied.