

**THIS DISPOSITION  
IS CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

4/30/02

Paper No. 15  
Bottorff

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

In re **Joe Driskill, Jr.**

---

Serial No. 75/580,063

---

Request for Reconsideration

---

Before **Wendel, Bottorff and Drost**, Administrative Trademark Judges.

Opinion by **Bottorff**, Administrative Trademark Judge:

On January 23, 2002, the Board issued its decision with respect to the above-captioned application, affirming the Trademark Examining Attorney's final refusals (under Trademark Act Sections 1, 2, 45 and 2(f), and 2(d)) to register applicant's guitar configuration. On February 23, 2002, applicant filed a timely request for reconsideration of that decision. See Trademark Rule 2.144, 37 C.F.R. §2.144.

Generally, the premise underlying a request for reconsideration is that, based on the evidence of record

and the applicable legal authorities, the Board erred in reaching the decision it issued. The request may not be used to introduce additional evidence,<sup>1</sup> nor should it be devoted simply to a reargument of the points presented in the applicant's brief on the case. See *In re Cosmetically Yours, Inc.*, 171 USPQ 563 (TTAB 1971); see generally TBMP §§1219.01 and 544.

We have given careful consideration to applicant's arguments in support of his request for reconsideration, but we are not persuaded that our decision affirming the refusals of registration is erroneous. Rather, for the reasons discussed in our January 23, 2002 decision, we find that the refusals to register are proper.

Accordingly, applicant's request for reconsideration is **denied**. Applicant's time for filing an appeal, or for commencing a civil action for review of the Board's decision, will expire two months after the date stamped on this order. See Trademark Rule 2.145(d)(1), 37 C.F.R. §2.145(d)(1).

---

<sup>1</sup> Accordingly, the new evidence submitted with applicant's request for reconsideration is untimely and has been given no consideration. See Trademark Rule 2.142(d).