

1/8/02

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

Paper No. 14  
RLS/cl

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re U.S. Lock Corp.

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Serial No. 75/717,463

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Request for Reconsideration

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Myron Amer of Myron Amer, P.C. for U.S. Lock Corp.

Richard R. Alves, Jr., Trademark Examining Attorney, Law  
Office 104 (Sidney I. Moskowitz, Managing Attorney)

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Before Simms, Walters and Rogers, Administrative Trademark  
Judges.

Opinion by Simms, Administrative Trademark Judge:

On October 15, 2001, applicant filed a request for reconsideration of the Board's decision issued September 28, 2001, wherein the Board affirmed the Examining Attorney's refusal to register applicant's mark SECURITY PRO for metal mechanical locks on the basis of likelihood of confusion. Applicant argues that our decision was not based on evidence in the record, because the Examining

Attorney in his brief did not specifically refer to each of the excerpts quoted in the Board's decision.

Suffice it to say that all of the excerpts noted in the Board's decision were made of record by the Examining Attorney with his final refusal issued June 30, 2000. In his appeal brief the Examining Attorney specifically referred to the collected excerpts, obtained as a result of a Nexis search and attached to his final refusal (the same copies were also attached to his appeal brief), which the Examining Attorney stated "indicate that metal locks and security alarm systems are frequently sold under the same mark." In any event and, contrary to applicant's argument, there is no requirement in the Trademark Rules or in trademark practice that an Examining Attorney specifically mention each and every item of record in his appeal brief in order for them to be considered by the Board. Once evidence is placed in the record, it may be referred to by the Examining Attorney, applicant or the Board for whatever probative value it may have.

Applicant's request for reconsideration is denied.