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**THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT  
OF THE TTAB**

March 10, 2004  
Paper No. 23  
GDH/gdh

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Rath

Serial No. 75753597

Request for Reconsideration

Roy S. Gordet, Esq. for Dr. Matthias Rath.

Bridget G. Smith, Trademark Examining Attorney, Law Office 115  
(Tomas Vlcek, Managing Attorney).

Before Simms, Hohein and Walters, Administrative Trademark  
Judges.

Opinion by Hohein, Administrative Trademark Judge:

Applicant, on February 23, 2004, has filed a timely request for reconsideration of our January 22, 2004 decision affirming the refusal, under Section 2(e)(4) of the Trademark Act, 15 U.S.C. §1052(e)(4), to register the mark "RATH" for various goods and services on the ground of its being primarily merely a surname which has not been shown to have acquired distinctiveness.

While we have carefully considered the arguments raised by applicant, we remain convinced that, for the reasons fully set forth in our January 22, 2004 decision, the mark "RATH" is properly considered to be unregistrable on the ground that it is

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primarily merely a surname which has not been shown to have acquired distinctiveness. Applicant's arguments, in essence, constitute nothing more than a rehash of those previously made in its appeal and reply briefs, and none is persuasive of a different result in this appeal.

Accordingly, because we discern no error in our January 22, 2004 decision, applicant's request for reconsideration is denied.