

7/26/01

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

Paper No. 80  
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

-----  
Trademark Trial and Appeal Board  
-----

Mark R. Newman, d/b/a  
MRN Enterprises  
v.  
Unlimited Concepts, Inc., d/b/a  
Tri-Corp Marketing  
-----

Cancellation No. 24,265  
-----

Request for Reconsideration  
-----

George R. Brown of Block, Grynkewich & Brown for Mark R.  
Newman, d/b/a MRN Enterprises.

Howard B. Rockman of Sonnenschein Nath & Rosenthal for  
Unlimited Concepts, Inc., d/b/a Tri-Corp Marketing.  
-----

Before Seeherman, Hairston and Chapman, Administrative  
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Mark R. Newman, d/b/a MRN Enterprises (Petitioner)  
has filed a timely request for reconsideration of the  
Board's January 30, 2001 decision dismissing the petition  
to cancel. Petitioner has requested a rehearing and an

**Cancellation No. 24,265**

opportunity to essentially further argue the claims of fraud and lack of ownership in this case.

Petitioner is advised that it is not the practice of the Board to hold an oral hearing on a request for reconsideration. In view thereof, petitioner's request for a rehearing is denied.

Moreover, petitioner had ample opportunity to submit evidence in this case during its testimony period-in-chief and rebuttal testimony period. Further, petitioner had ample opportunity to argue this case in its brief and at the oral hearing held on this matter.

With respect to petitioner's contention that the Board's findings that respondent did not commit fraud in obtaining its registration and that respondent is the owner of the JESTER mark are erroneous, we have carefully considered petitioner's arguments in this regard, and find that our decision is fully supported by the evidence (or lack thereof) in this case.

Under the circumstances, petitioner's request for reconsideration is denied.