

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB

Mailed: May 10, 2005
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Decision Analyst, Inc.

Serial No. 78139723

Request for Reconsideration

Larry E. Meadows of Meadows & Associates, L.L.P. for
Decision Analyst, Inc.

Linda E. Blohm, Trademark Examining Attorney, Law Office
110 (Chris A.F. Pedersen, Managing Attorney).

Before Seeherman, Hairston and Rogers, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

The Board, on February 25, 2005, issued a decision affirming the refusal to register applicant's mark ICION on the ground that applicant failed to submit acceptable specimens showing actual use of the mark with the computer programming services recited in the application. In addition, the Board held as untimely and declined to consider the additional specimens and proposed amendment to

the recitation of services submitted by applicant with its appeal brief. The Board pointed out that when an applicant wants the examining attorney to consider additional evidence after the filing of an appeal, the proper procedure is to file a request for remand supported by a showing of good cause.

On March 25, 2005 applicant filed a request for reconsideration wherein it requests that the Board remand the application to the examining attorney for consideration of the additional specimens and proposed amendment to the recitation of services.

Trademark Rule 2.142(g) provides that an application which has been considered and decided on appeal will not be reopened except in circumstances not applicable in this case. Thus, the Board will not remand the application to the examining attorney. A request for remand should have been filed at the time applicant submitted the additional specimens and proposed amendment to the recitation of services.¹ See TMBP §1205.01 (2nd ed. rev 2004).

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

¹ As noted in our decision, applicant had previously proposed the identical amendment during prosecution of the application, and the examining attorney rejected it.