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THE T.T.A.B.

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**P.O. Box 1451**  
**Alexandria, VA 22313-1451**

Goodman

Mailed: July 25, 2006

Cancellation No. 92031572

LU SORO

v.

CITIGROUP

Before Quinn, Rogers and Cataldo<sup>1</sup>, Administrative Trademark  
Judges.

By the Board:

Now before the Board is petitioner's request for  
reconsideration of the Board's order granting summary  
judgment for respondent on April 25, 2006.

In support of its motion, petitioner argues that he has  
a "gargantuan legitimate interest" in the CITIGROUP mark  
sufficient to establish his standing and respondent does not  
have any rights in petitioner's CITIGROUP name; that  
petitioner "prevailed in the lower [district] court, but a  
misinterpretation has occurred"; that the district court  
decision finding that petitioner infringed respondent's  
CITICORP trademark, violated a prior court order (a  
permanent injunction), and did not have priority of use of

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<sup>1</sup> Administrative Judge Cataldo has been substituted for  
Administrative Judge Walters.

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the CITIGROUP mark was clearly erroneous and an abuse of discretion, and that the district court's opinion should be reversed; and that the Board should cancel the involved CITIGROUP registration as "fraudulently registered."

Petitioner has also submitted a "statement of facts" and provided additional arguments regarding his priority of use of the CITIGROUP mark.

In response, respondent argues that petitioner's current motion is "simply a rehash of his previous arguments"; that petitioner's argument "that the federal district opinions were wrong" is not a basis for reconsideration; and that petitioner's motion should be denied.

In reply, petitioner asserts that the Board's finding that he has no standing was in error since petitioner has a legitimate commercial interest in the CITIGROUP mark by virtue of his 30 years of prior use of CITIGROUP in connection with mortgage loans.

A request for reconsideration under Trademark Rule 2.127(b) provides an opportunity for a party to point out any error the Board may have made in considering the matter initially. It is not to be a reargument of the points presented in the original motion or response thereto, nor is it to be used to raise new arguments or introduce additional evidence. Rather, the motion should be limited to a

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demonstration that based on the facts before it and the applicable law, the Board's ruling is in error and requires appropriate change. TBMP § 518 (2d. ed. rev. 2004).

We have carefully reviewed this matter, and we find no error in our April 25, 2006 decision.

Petitioner is rearguing points previously made, or advancing new facts, issues or arguments, or is pointing to evidence that could have been offered at the time the motion for summary judgment was briefed. All of this is improper, as explained above, and petitioner's request for reconsideration is denied on this basis.

To the extent that petitioner is asking the Board to reverse the final decision of the district court that served as the basis for the Board's grant of summary judgment for respondent, this also is not a proper basis for reconsideration.

The Board is an administrative tribunal with limited jurisdiction over the issue of registrability. See TBMP § 102.01. To the extent that a civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the Federal district court is binding upon the Board, while any decision of the Board is not binding upon the court. See TBMP § 510.02(a).

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In this case, proceedings were suspended pending disposition of the civil contempt proceeding between the parties. The district court decision in the contempt proceeding established that respondent had priority of the CITIGROUP mark or trade name and that petitioner is prohibited by the terms of the permanent injunction from using CITICORP or any mark or trade name confusingly similar, which includes the mark or trade name CITIGROUP. Due to the commonality of issues in both proceedings, this ruling, which was a final adjudication<sup>2</sup>, is binding on the Board.

Accordingly, the Board has no authority to supplant or reverse the district court decision. As a result, there was no error in the Board's finding that in view of the permanent injunction prohibiting use by petitioner of the CITIGROUP mark, petitioner, as a matter of law, has no legitimate commercial interest in the CITIGROUP mark or reasonable belief in damage, and therefore, no standing to maintain the cancellation.

Inasmuch as petitioner has provided no basis for revisiting the Board's April 25, 2006 decision granting summary judgment for respondent, petitioner's motion for

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<sup>2</sup> As respondent noted, petitioner sought review of the district court decision, and the district court decision was affirmed at the appellate level and denied further review by the United States Supreme Court.

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reconsideration is denied.

The Board's April 25, 2006 order stands as issued.