

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB

October 18, 2006
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Halocarbon Products Corporation

Serial No. 76588421

Request for Reconsideration and Petition to Reopen, and
Alternative Disclaimer

Nathaniel D. Kramer of Kirchstein, Ottinger, Israel &
Schiffmiller, P.C. for Halocarbon Products Corporation.

Dominick J. Salemi, Trademark Examining Attorney, Law
Office 106 (Mary Sparrow, Managing Attorney).

Before Seeherman, Hairston and Grendel, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

The Board, in a decision issued June 7, 2006, affirmed
the examining attorney's refusal to register the mark shown
below,



for "flurochemicals for industrial purposes" in class 1; "industrial synthetic oils, general purpose grease, and "industrial waxes for lubrication purposes" in class 4; and "inhalation anesthetics for surgical use" in class 5 in the absence of a disclaimer of the term HALOCARBON. The Board held that while the examining attorney failed to establish that such term is generic for the identified goods, it nonetheless was clear that the term is highly descriptive of said goods, and applicant failed to submit sufficient evidence that the term has acquired distinctiveness with respect to the goods in each class of the application.

Applicant has filed a request for reconsideration and petition to reopen its application, and in the alternative a disclaimer. A review of the request for reconsideration and petition to reopen reveals that applicant essentially requests the same relief in the request and petition, namely, that the application be reopened for consideration of a new declaration of acquired distinctiveness. We also note that applicant submitted a fee of \$100.00 for the petition. Under the circumstances, the file is forwarded to the Director for consideration of the petition to reopen. See Trademark Rule 2.142(g). Applicant's request for reconsideration is denied as moot. In the event that the petition is granted, the Director will remand the

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application to the examining attorney for consideration of the new declaration of acquired distinctiveness. In the event that the petition is denied, the application will be returned to the Board for consideration of the alternative submission of the required disclaimer.