

**THIS OPINION IS NOT
A PRECEDENT OF THE
TTAB**

Mailed: May 5, 2008
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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Naturopathic National Council, Inc.

Serial No. 76642489

Request for Reconsideration

Howard M. Cohn, Esq. for Naturopathic National Council,
Inc.

Carrie Genovese, Trademark Examining Attorney, Law Office
115 (Tomas V. Vlcek, Managing Attorney).

Before Hairston, Holtzman and Zervas, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Applicant has filed a request for reconsideration of the Board's February 27, 2008 decision affirming the examining attorney's refusal to register applicant's certification mark DOCTOR OF NATUROPATHY, N.D. on the ground that it is generic for applicant's identified services.

In the request for reconsideration, applicant essentially asks the Board to reweigh the evidence, and

argues that the Nexis materials submitted by the examining attorney should not have been given weight in reaching our decision. Attached to applicant's request for reconsideration is Exhibit A which consists of correspondence from an official at the Florida Department of State. Also, applicant seeks an oral hearing on its request for reconsideration.

Insofar as applicant seeks an oral hearing on its request for reconsideration, it is the practice of the Board to deny such a request unless an oral hearing is necessary to clarify the issue(s) to be decided. Trademark Trial and Appeal Board Manual of Procedure (TBMP) §502.03 (2d ed. rev. 2004). In this case, an oral hearing is not necessary to decide applicant's request for reconsideration. Further, Trademark Rule 2.142(d) provides that the record in an application should be complete prior to the filing of an appeal, and additional evidence filed after appeal normally will be given no consideration by the Board. Under the circumstances, we have given no consideration to Exhibit A attached to the request for reconsideration.

The purpose of reconsideration is to point out errors made by the Board in making its decision, not to merely reargue the case or ask the Board to reweigh the evidence

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as applicant has done. The basis for the Board's decision is clearly articulated therein and we do not find any error in reaching that decision.

In view of the foregoing, applicant's request for reconsideration is denied.