

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

Mailed:

August 28, 2007  
GDH/gdh

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Trademark Trial and Appeal Board**

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In re RF Monolithics, Inc.

\_\_\_\_\_  
Serial No. 78526998

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Request for Reconsideration

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William A. Munck and Cami Dawson Boyd of Munck Butrus, P.C. for  
RF Monolithics, Inc.

Rebecca Gan, Trademark Examining Attorney, Law Office 103  
(Michael Hamilton, Managing Attorney).

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Before Hohein, Holtzman and Drost, Administrative Trademark  
Judges.

Opinion by Hohein, Administrative Trademark Judge:

Applicant, by a certificate of mailing dated August 20, 2007, has filed a timely request for reconsideration of our July 19, 2007 decision affirming the refusal, under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), to register the term "RFMESH" on the Principal Register in standard character form for "communication equipment, namely, hardware, software and firmware for use in creating, using and maintaining mesh networks, including stand-alone nodes, radio frequency modules, and related components for reading, sharing, processing and controlling information among such stand-alone nodes, radio frequency

modules, and related components" in International Class 9 on the ground that the mark is merely descriptive of such goods. In addition to setting forth various arguments, the request for reconsideration includes a request, in the alternative, that "[i]n the event that the Board denies Applicant's Request for Reconsideration, or reaffirms the refusal to register the Mark on the grounds that it is merely descriptive, ... the Board permit Applicant to amend its application to seek registration of the Mark on the Supplemental Register."

While we have carefully considered the arguments raised by applicant, we remain convinced that, for the reasons fully set forth in our July 19, 2007 decision, the term "RFMESH" is properly considered to be merely descriptive of applicant's goods. Applicant's arguments, in essence, constitute nothing more than a rehash of those previously made in its appeal and reply briefs, and none is persuasive of a different result in this appeal. Moreover, as to applicant's alternative request to permit amendment of the application to the Supplemental Register, Trademark Rule 2.142(g) specifically provides, in relevant part, that "[a]n application which has been considered and decided on appeal will not be reopened except for the entry of a disclaimer under §6 of the Act of 1946." Plainly, the alternative request to amend the application to the Supplemental Register raises a new issue as to whether the term "RFMESH" is capable of registration thereon and, thus, is not permitted after this appeal was decided. See TBMP §1218 (2d ed. rev. 2004).

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Accordingly, because we discern no error in our July 19, 2007 decision and amendment of the application to the Supplemental Register is not permitted, applicant's request for reconsideration is denied.