

THIS OPINION  
IS NOT A PRECEDENT OF  
THE T.T.A.B.

Mailed: 9/22/08

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

In re David J. Gungner

---

Serial No. 78093634

---

Request for Reconsideration

---

David J. Gungner, *pro se*.

Cynthia Sloan, Trademark Examining Attorney, Law Office 116  
(Michael W. Baird, Managing Attorney).

---

Before Quinn, Holtzman and Mermelstein, Administrative  
Trademark Judges.

Opinion by Quinn, Administrative Trademark Judge:

The Board, in a decision dated August 7, 2008,  
affirmed the refusals to register.

Applicant filed, on September 7, 2008, a request for  
reconsideration.

Although we have carefully reviewed the request for  
reconsideration, we fail to see any error in our decision  
to justify a different result in this appeal. Accordingly,

**Ser. No. 78093634**

the request for reconsideration is denied. The Board's decision dated August 7, 2008 stands.

The Board is aware of applicant's conduct with respect to his repeated requests for reconsideration filed in application Serial No. 78134559.<sup>1</sup> After dismissal of that appeal, applicant has filed no fewer than twenty-five requests for reconsideration (identical papers filed on a monthly basis). As pointed out by the Board in that appeal, the rules do not provide for repeated requests for reconsideration of Board decisions. Despite the Board's clear directive to applicant not to file further papers, applicant continues to file the requests. The Board, in its last order in that case dated September 20, 2006, indicated that "[i]f any further papers are filed, they will not be acknowledged by the Board, nor will they be given any consideration."

In an effort to discourage the same pattern of conduct in the present appeal, applicant should note again that the rules do not provide for repeated requests for reconsideration of Board decisions. Applicant is advised not to file any additional papers with the Board in connection with this appeal. **If any additional papers are**

---

<sup>1</sup> The Board's decision in application Serial No. 78134559 issued on October 26, 2005; the most recent request for reconsideration was filed on September 5, 2008.

Ser. No. 78093634

filed in this appeal, they will not be acknowledged by the Board, nor will they be given any consideration.