

**United States Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: November 29, 2005

In re Gungner, David, J.

Serial No. 78134559

Filed: 06/11/2002

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On November 26, 2005, applicant filed a request for reconsideration of the Board's October 26, 2005 decision dismissing the appeal on the basis that applicant failed to timely file his appeal brief, as required by Trademark Rule 2.142(b)(1), and also failed to provide a satisfactory explanation regarding that failure.

Applicant's request for reconsideration largely repeats the statements/arguments made in his filing on April 27, 2005, in which applicant was supposed to provide an explanation as to why his late-filed brief should be accepted. That explanation was previously found to be unsatisfactory, as a result of which the appeal was dismissed. The repetition of the unsatisfactory explanation does not make it satisfactory, and therefore applicant's request for reconsideration is denied.

To the extent that applicant has indicated that he was attempting to obtain "Inventor RESOURCES on Line Chat Transcripts," this does not relieve applicant of his obligation to comply with the Trademark Rules and timely submit his appeal brief, or at the very least to obtain an extension of time for such a filing.

Applicant's request for a refund of all monies spent in connection with his application is denied. Trademark Rule 2.209(a) provides that The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a trademark application, appeal or other trademark filing for which a fee was paid, will not entitle a party to a refund of such fee.

In view of the dismissal of the appeal, applicant's request for an oral hearing is moot.

In summary, applicant's request for reconsideration is denied, the request for a refund is denied, and the request for an oral hearing is denied as moot. The application will be held abandoned in due course.

**By the Trademark Trial  
and Appeal Board**