

**This Opinion is Not a  
Precedent of the TTAB**

Mailed: July 16, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re Tateho Kagaku Kogyo Kabushiki Kaisha d/b/a Tateho Chemical  
Industries Co., Ltd.*

—  
Serial No. 79119845  
—

*Request For Reconsideration*

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Mark D. Alleman of Alleman Hall McCoy Russell & Tuttle LLP  
for Tateho Kagaku Kogyo Kabushiki Kaisha d/b/a Tateho Chemical Industries.

Marc J. Leipzig, Trademark Examining Attorney, Law Office 115,  
John Lincoski, Managing Attorney.

—  
Before Zervas, Lykos and Shaw,  
Administrative Trademark Judges.

Opinion by Lykos, Administrative Trademark Judge:

Pursuant to Section 66(a) of the Act, 15 U.S.C. § 1141f(a), Tateho Kagaku Kogyo Kabushiki Kaisha d/b/a Tateho Chemical Industries. (“Applicant”) filed a Request for Extension of Protection of an international registration for the mark **PUREMAG** (in standard character format) on the Principal Register for “[c]hemicals and chemical materials used in industry, science and agriculture,

namely, magnesium hydroxide, magnesium oxide, magnesium carbonate, calcium hydroxide, calcium oxide, calcium carbonate, zirconium oxide, calcium sulfite, calcium peroxide, silicon carbide, silicon nitride; chemicals used in deposition, namely, chemical source material for the deposition of thin films; magnesium oxide ceramics in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials for industrial use in powder, particle, and granular form; adhesives, not for stationery or household purposes; plant growth regulating preparations; fertilizing preparations” in International Class 1.<sup>1</sup>

The Board affirmed the Trademark Examining Attorney’s partial refusal to register Applicant’s mark under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that the mark is merely descriptive of a portion of Applicant’s identified goods, namely, “magnesium hydroxide, magnesium oxide, magnesium carbonate; magnesium oxide ceramics in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition.”

Applicant timely filed a request for reconsideration of the Board’s decision pursuant to Trademark Rule 2.144.

In its request for reconsideration, Applicant essentially reiterates the following arguments: that its proposed mark requires some degree of imagination or mental

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<sup>1</sup> Application Serial No. 79119845, based on International Registration No. 1134223.

leap on the part of the consumer to ascertain the nature of the goods; that it is unlikely that competitors will need to use the term “puremag” to describe their own goods; and that its proposed mark is a coined term with no discernible meaning in the English language.

The premise underlying a request for reconsideration of a Board decision in an *ex parte* appeal is that “based on the evidence of record and the prevailing authorities, the Board erred in reaching the decision it issued. The request may not be used to introduce additional evidence, nor should it be devoted simply to a reargument of the points presented in the requesting party’s brief on the case. Rather, the request normally should be limited to a demonstration that, based on the evidence properly of record and the applicable law, the Board’s ruling is in error and requires appropriate change.” Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 543 (2015), discussing the application of Trademark Rule 2.129(c); 37 C.F.R. § 2.129(c) (request for reconsideration of final decision in an *inter partes* proceeding).

In this instance, Applicant has essentially reargued its case. The Board fully considered and rejected each argument previously made by Applicant. Other than disagreeing with the Board’s decision and rearguing its case, Applicant did not point to any erroneous factual findings or misapplication of the law.

After careful review again of the evidence of record, the Board’s decision, and Applicant’s request for reconsideration, we find that the decision was correct and

that we did not make any erroneous findings of fact or incorrectly apply the applicable law.

**Decision:** The Board, not being persuaded of any error in the rendering of its decision, hereby denies Applicant's request for reconsideration.