

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

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Mailed: July 29, 2002

Opposition No. 116,397

Pet Zone Products Ltd.

v.

OurPet's Company

Before Hairston, Holtzman and Drost, Administrative  
Trademark Judges.

Opinion by the Board:

This case now comes up on applicant's motion<sup>1</sup> (filed  
February 7, 2002) for reconsideration of our decision of  
January 9, 2002, in which we denied applicant's motion for  
relief from default judgment.

Generally, the premise underlying a motion for  
reconsideration under Trademark Rule 2.127(b) is that, based  
on the facts before it and the prevailing authorities, the  
Board erred in reaching the order or decision it issued.  
Such a motion may not properly be used to introduce

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<sup>1</sup> Applicant's motion incorrectly relies on Trademark Rule  
2.129(c) as a basis for its motion. Trademark Rule 2.129(c)  
concerns a request for reconsideration after a decision issued  
after final hearing. As no final hearing occurred in this case,  
we construe applicant's motion as having been brought under  
Trademark Rule 2.127(b).

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additional evidence, nor should it be devoted simply to a reargument of the points presented in a brief on the original motion. Rather, the motion normally should be limited to a demonstration that, based on the facts before it and the applicable law, the Board's ruling is in error and requires appropriate change. See TBMP §518.<sup>2</sup>

We have carefully considered the arguments of each of the parties in connection with the present motion and our decision of January 9, 2002, and find that applicant's motion introduces additional evidence (which was available while the motion was pending) and simply reargues the points presented in the brief on the original motion. In view thereof, applicant's motion for reconsideration of our decision of January 9, 2002 is hereby denied. The opposition stands sustained, and our entry of judgment against applicant and our refusal to register are maintained.

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<sup>2</sup> The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is available (i) as a book from the U.S. Government Printing Office (202-512-1800); (ii) as a CD-ROM from the Patent and Trademark Office's Office of Electronic Information Products (703-306-2600); and (iii) on the global computer network at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp>.