

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: July 12, 2005

Opposition No. **91152243**

CENTRAL MFG. CO.

v.

HEPA CORPORATION

Before Hairston, Walters and Bucher, Administrative  
Trademark Judges.

By the Board:

This case now comes up on opposer's request (filed May 17, 2005) for reconsideration of the Board's order dated April 12, 2005. Applicant has filed a response to the motion and opposer filed a reply brief, which we have exercised our discretion to consider. See Trademark Rule 2.127(a).

A request for reconsideration is a device for modifying or clarifying a Board decision or order that was reached in error, based on the record before the Board at the time the decision or order was reached. It is not proper, in a request for reconsideration, simply to reargue the points presented in a brief on the original motion, or to use the motion as a device merely to introduce additional evidence.

See Trademark Rule 2.127(b); and TBMP §518 (2d ed. rev. 2004).

In this case, opposer simply reargues its position that a family emergency justified opposer's failure to respond to applicant's discovery requests within the time previously ordered by the Board. Opposer also submits, for the first time, a copy of Mr. Stoller's mother's death certificate. Because this is new evidence we will not now consider it. The period of time relevant to the Board's determination regarding opposer's motion to reopen is the thirty-day period running from December 15, 2004 to January 14, 2005. The Board committed no error in determining that the specifics surrounding Mr. Stoller's unavailability during this time period are vague and unsupported by a declaration or verification attesting to their veracity.

Opposer has failed to demonstrate that the Board's ruling was in error. Accordingly, opposer's request for reconsideration is hereby denied.

The opposition remains dismissed with prejudice.