

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

Mailed: August 30, 2004

Opposition No. **91157206**
91159478

Toyota Jidosha Kabushiki
Kaisha, t/a Toyota Motor
Corporation

v.

Syngenta Participations AG

Linda Skoro, Interlocutory Attorney

Request for Reconsideration

On April 30, 2004, the Board granted opposer's motion to consolidate these proceedings; granted cross motions to compel discovery; and granted opposer's motion to extend time to complete discovery and execute a protective agreement. The Board further stated "[i]t is clear from the fact that aneither party has produced anything, that the parties have failed to properly cooperate with one another in the discovery process, and, more specifically, have failed to make a substantive effort to resolve by agreement the issues raised by the motions before coming to the Board."

Motions for reconsideration, as set forth in Trademark Rule 2.127(b), 37 CFR § 2.127(b), provide an opportunity for a party to point out any error the Board may have made in

considering the matter initially. It is not to be a reargument of the points presented in the original motion, or in this case, a reargument of its opposition to the motion. In this case, applicant objects to the consolidation and as the non-moving party seeks greater weight be given to its position; and the fact that all outstanding discovery responses were ordered simultaneously, applicant seeks additional time to respond to later-filed discovery requests. A request for reconsideration is not the appropriate vehicle for an extension of the discovery response period and the Board sufficiently considered the minor differences in the marks before ordering consolidation.

Upon careful consideration of applicant's arguments on reconsideration, we are not persuaded that there was any error in our decision. In short, these proceedings remain consolidated and if applicant needs additional time to respond to outstanding discovery requests, it should request such an extension.

The request for reconsideration is hereby DENIED.
Dates remain as set in the Board's April 30, 2004 order.