

This Opinion is Not a
Precedent of the TTAB

Mailed: April 7, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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NetCloud, LLC

v.

East Coast Network Services, LLC

—
Opposition No. 91210559
against Serial No. 85777557

—
on Opposer's Request for Reconsideration

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Morris E. Turek of YourTrademarkAttorney.com
for NetCloud, LLC.

Russell Logan, Esq. for East Coast Network Services, LLC.

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Before Zervas, Shaw and Pologeorgis,¹
Administrative Trademark Judges.

Opinion by Zervas, Administrative Trademark Judge:

¹ Administrative Trademark Judge Pologeorgis has been substituted on this panel for Administrative Trademark Judge Bucher, who participated on prior panels and who has since retired from government service.

On March 11, 2015, the Board sustained the opposition brought by Opposer, NetCloud, LLC, and refused registration of Applicant's NETCLOUD mark under Section 2(d) of the Lanham Act.

On December 10, 2015, the Board granted the motion of Applicant, East Coast Network Services, LLC, for reconsideration of the Board's decision dated March 11, 2015 and dismissed the opposition.

On Monday, January 11, 2016, Opposer filed a motion for reconsideration under Trademark Rule 2.129(c), 37 CFR § 2.129(c), of the Board's December 10, 2015 decision.

We first consider Applicant's argument in opposition to Opposer's motion based on TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") § 543 (2015) which states, "A second or subsequent request for reconsideration is not permitted, and if filed, does not toll the time for filing an appeal of the final decision or commencing a civil action." Applicant argues that Opposer may not seek reconsideration of the December 10, 2015 decision because Applicant has already sought reconsideration in this case. While the Board does not contemplate a request for reconsideration on each and every decision it issues, under the circumstances of this case, we entertain Opposer's motion.

Turning to Opposer's motion, a motion for reconsideration under Trademark Rule 2.129(c) should not be devoted simply to a re-argument of the points presented on the case. *See* TBMP § 543. Opposer, in its motion for reconsideration, makes the same arguments it made in opposition to Applicant's motion for reconsideration. It cites no case law to demonstrate any legal error in the Board's analysis. We have already

considered Opposer's arguments, and we find no basis to change our decision. Opposer's request for reconsideration is therefore **denied**. The decision dated December 10, 2015 stands as issued.