

## **CHAPTER 100 GENERAL INFORMATION**

### **101 APPLICABLE AUTHORITY**

- 101.01 STATUTE AND RULES OF PRACTICE
- 101.02 FEDERAL RULES
- 101.03 DECISIONAL LAW
- 101.04 DIRECTOR'S ORDERS AND NOTICES
- 101.05 TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE

### **102 NATURE OF BOARD PROCEEDINGS**

- 102.01 JURISDICTION OF BOARD
- 102.02 TYPES OF BOARD PROCEEDINGS
- 102.03 GENERAL DESCRIPTION OF BOARD PROCEEDINGS

### **103 LOCATION AND ADDRESS OF BOARD**

### **104 BUSINESS TO BE CONDUCTED IN WRITING**

### **105 CONTACT WITH BOARD PERSONNEL**

### **106 IDENTIFICATION, SIGNATURE, AND FORM OF SUBMISSIONS**

- 106.01 IDENTIFICATION OF SUBMISSIONS
- 106.02 SIGNATURE OF SUBMISSIONS
- 106.03 FORM OF SUBMISSIONS

### **107 HOW AND WHERE TO FILE PAPERS AND FEES**

### **108 FILING RECEIPTS**

### **109 FILING DATE**

### **110 CERTIFICATE OF MAILING PROCEDURE AND ELECTRONIC FILING USING ESTTA**

- 110.01 CERTIFICATE OF MAILING – IN GENERAL
- 110.02 REQUIREMENTS FOR CERTIFICATE
- 110.03 SUGGESTED FORMAT
- 110.04 LOCATION OF CERTIFICATE
- 110.05 LOSS OF CERTIFICATE OF MAILING
- 110.06 NO RECEIPT OF CORRESPONDENCE BEARING CERTIFICATE
- 110.07 EXCLUDED FILINGS
- 110.08 A CERTIFICATE OF MAILING OR TRANSMISSION IS NOT ...
- 110.09 ELECTRONIC FILING USING ESTTA
  - 110.09(a) Plan Ahead*
  - 110.09(b) ESTTA is Mandatory for Some Filings*
  - 110.09(c) Attachments to ESTTA Filings*
    - 110.09(c)(1) In General*
    - 110.09(c)(2) Form of ESTTA Attachments*

- 110.09(c)(3) Size Limitations*
- 110.09(d) Service of ESTTA Filings*
- 110.09(e) Questions About ESTTA Filing*

## **111 “EXPRESS MAIL” PROCEDURE**

- 111.01 IN GENERAL
- 111.02 REQUIREMENTS FOR “EXPRESS MAIL”
- 111.03 QUESTIONABLE DATE OF MAILING

## **112 TIMES FOR TAKING ACTION**

## **113 SERVICE OF PAPERS**

- 113.01 REQUIREMENT FOR SERVICE OF PAPERS
- 113.02 REQUIREMENT FOR PROOF OF SERVICE
- 113.03 ELEMENTS OF CERTIFICATE OF SERVICE
- 113.04 MANNER OF SERVICE
- 113.05 ADDITIONAL TIME FOR TAKING ACTION AFTER SERVICE BY MAIL
- 113.06 A CERTIFICATE OF SERVICE IS NOT ...

## **114 REPRESENTATION OF A PARTY**

- 114.01 PARTY MAY REPRESENT ITSELF
- 114.02 SELECTION OF ATTORNEY
- 114.03 REPRESENTATION BY ATTORNEY
- 114.04 REPRESENTATION BY NON-LAWYER (I.E., “OTHER AUTHORIZED REPRESENTATIVE”)
- 114.05 REPRESENTATION BY FOREIGN ATTORNEY OR AGENT
- 114.06 INDIVIDUAL NOT ENTITLED TO REPRESENT OTHERS
- 114.07 DESIGNATION OF DOMESTIC REPRESENTATIVE
- 114.08 ADVERSE PARTIES REPRESENTED BY SAME PRACTITIONER

## **115 CONDUCT OF PRACTITIONER**

- 115.01 APPLICABLE RULES
- 115.02 DISCIPLINARY PROCEEDINGS
- 115.03 PETITIONS TO DISQUALIFY

## **116 TERMINATION OF REPRESENTATION**

- 116.01 REVOCATION OF AUTHORITY
- 116.02 WITHDRAWAL AS REPRESENTATIVE--IN GENERAL
- 116.03 WHEN WITHDRAWAL IS MANDATORY
- 116.04 WHEN WITHDRAWAL IS PERMISSIVE
- 116.05 REQUEST TO WITHDRAW

## **117 CORRESPONDENCE - WITH WHOM HELD**

- 117.01 IN GENERAL
- 117.02 WHEN THERE IS MORE THAN ONE ATTORNEY OR OTHER AUTHORIZED REPRESENTATIVE

- 117.03 CONTINUATION OF CORRESPONDENCE WITH REPRESENTATIVE IN APPLICATION OR REGISTRATION WHEN INTER PARTES PROCEEDING COMMENCES
- 117.04 CONTINUATION OF CORRESPONDENCE WITH REPRESENTATIVE OF POTENTIAL OPPOSER AFTER OPPOSITION IS FILED
- 117.05 CORRESPONDENCE AFTER REVOCATION OR WITHDRAWAL
- 117.06 CORRESPONDENCE WITH FOREIGN PARTY
- 117.07 CHANGE OF ADDRESS
- 117.08 INDIVIDUAL NOT ENTITLED TO REPRESENT OTHERS

**118 PAYMENT OF FEES**

- 118.01 LISTS OF FEES AND CHARGES
- 118.02 FEES PAYABLE IN ADVANCE
- 118.03 METHOD OF PAYMENT--IN GENERAL
- 118.04 METHOD OF PAYMENT--DEPOSIT ACCOUNTS

**119 PAPERS AND FEES GENERALLY NOT RETURNABLE**

- 119.01 FEE REFUNDS--GENERAL RULE
- 119.02 PAPERS AND FEES--EX PARTE CASES
- 119.03 PAPERS AND FEES--INTER PARTES CASES

**120 ACCESS TO FILES**

- 120.01 NON-CONFIDENTIAL FILES
- 120.02 CONFIDENTIAL MATERIALS
- 120.03 FILES OF TERMINATED PROCEEDINGS

**121 COPYING OF FILES**

**122 CERTIFICATION**

- 122.01 COURT REQUIREMENTS
- 122.02 CERTIFIED COPIES

**123 STATUS INFORMATION FOR APPLICATIONS, REGISTRATIONS AND BOARD PROCEEDINGS**

**124 ACTION BY ASSIGNEE**

**CHAPTER 200  
EXTENSIONS OF TIME TO OPPOSE**

**201 IN GENERAL**

**202 TIME FOR FILING REQUEST**

- 202.01 IN GENERAL

- 202.02 DATE OF PUBLICATION OF MARK
- 202.03 PREMATURE REQUEST
- 202.04 LATE REQUEST

## **203 FORM OF REQUEST**

- 203.01 GENERAL CONSIDERATIONS
  - 203.01(a) *Paper Or Electronic Filings*
  - 203.01(b) *Note On Electronic Filing With ESTTA*
- 203.02 IDENTIFYING INFORMATION
  - 203.02(a) *In General*
  - 203.02(b) *Requirement For Identification Of Potential Opposer*
- 203.03 SIGNATURE
- 203.04 SERVICE
- 203.05 DUPLICATE REQUESTS

## **204 FEE**

## **205 MARK ON SUPPLEMENTAL REGISTER NOT SUBJECT TO OPPOSITION**

## **206 WHO MAY FILE AN EXTENSION OF TIME TO OPPOSE**

- 206.01 GENERAL RULE
- 206.02 REQUEST FOR FURTHER EXTENSION FILED BY PRIVY
- 206.03 MISIDENTIFICATION OF POTENTIAL OPPOSER

## **207 REQUIREMENTS FOR SHOWING OF CAUSE; EXTRAORDINARY CIRCUMSTANCES**

- 207.01 IN GENERAL
- 207.02 EXTENSIONS UP TO 120 DAYS FROM THE DATE OF PUBLICATION
- 207.03 EXTENSIONS BEYOND 120 DAYS FROM THE DATE OF PUBLICATION

## **208 ESSENTIAL ELEMENT OMITTED**

## **209 ACTION BY BOARD ON REQUEST**

- 209.01 SUSPENSION POLICY
- 209.02 DETERMINATION OF EXTENSION EXPIRATION DATE

## **210 OBJECTIONS TO REQUEST**

## **211 RELIEF FROM ACTION OF BOARD**

- 211.01 REQUEST FOR RECONSIDERATION
- 211.02 RELIEF AFTER INSTITUTION OF OPPOSITION
- 211.03 PETITION TO THE DIRECTOR

## **212 AMENDMENT OF APPLICATION DURING OR AFTER EXTENSION**

- 212.01 JURISDICTION TO CONSIDER AMENDMENT
- 212.02 CONDITIONS FOR APPROVAL OF POST-PUBLICATION AMENDMENT
- 212.03 FORM OF AMENDMENT
- 212.04 ACTION BY BOARD -- UPON RECEIPT OF AMENDMENT
- 212.05 ACTION BY BOARD -- DURING CONSIDERATION OF AMENDMENT BY TMEQ

212.06 ACTION BY BOARD -- AFTER CONSIDERATION OF AMENDMENT BY  
TMEQ

212.07 AMENDMENT DURING OPPOSITION

**213 EFFECT OF RESTORATION OF JURISDICTION**

**214 EFFECT OF REPUBLICATION**

**215 EFFECT OF LETTER OF PROTEST**

**216 INADVERTENTLY ISSUED REGISTRATION**

**217 RELINQUISHMENT OF EXTENSION**

**218 ABANDONMENT OF APPLICATION**

**219 AMENDMENT TO ALLEGE USE; STATEMENT OF USE**

**220 INADVERTENT ISSUANCE OF A NOTICE OF ALLOWANCE**

**CHAPTER 300  
PLEADINGS**

**301 TYPES OF BOARD PROCEEDINGS**

301.01 IN GENERAL

301.02 MARK ON SUPPLEMENTAL REGISTER NOT SUBJECT TO  
OPPOSITION

301.03 MARK FILED UNDER THE MADRID PROTOCOL IS SUBJECT  
TO OPPOSITION

**302 COMMENCEMENT OF PROCEEDING**

**303 WHO MAY OPPOSE OR PETITION TO CANCEL**

303.01 IN GENERAL

303.02 MEANING OF THE TERM "PERSON"

303.03 MEANING OF THE TERM "DAMAGE"

303.04 FEDERAL TRADE COMMISSION

303.05 OPPOSITION FILED DURING EXTENSION OF TIME TO  
OPPOSE

*303.05(a) General Rule*

*303.05(b) Opposition Filed by Privy*

*303.05(c) Misidentification of Opposer*

*303.05(d) Misidentification of Applicant or Respondent*

303.06 JOINT OPPOSERS OR PETITIONERS

**304 PROCEEDING AGAINST MULTIPLE CLASS APPLICATION OR  
REGISTRATION**

### **305 CONSOLIDATED AND COMBINED COMPLAINTS**

305.01 CONSOLIDATED COMPLAINT

305.02 COMBINED COMPLAINT

### **306 TIME FOR FILING OPPOSITION**

306.01 IN GENERAL

306.02 DATE OF PUBLICATION OF MARK

306.03 PREMATURE OPPOSITION

306.04 LATE OPPOSITION

### **307 TIME FOR FILING PETITION TO CANCEL**

307.01 PETITION THAT MAY BE FILED AT ANY TIME AFTER  
REGISTRATION

307.02 PETITION THAT MUST BE FILED WITHIN FIVE YEARS  
FROM THE DATE OF REGISTRATION

*307.02(a) In General*

*307.02(b) Trademark Act § 14, 15 U.S.C. § 1064, Limitation is*

*Independent of Trademark Act § 15, 15 U.S.C. § 1065, Affidavit*

*307.02(c) Factors Affecting the Five-Year Period*

307.02(c)(1) Reliance on Registration by Plaintiff

307.02(c)(2) Amendment of Registration

307.03 PREMATURE PETITION TO CANCEL

307.04 LATE PETITION TO CANCEL

### **308 FILING FEES**

308.01 FEE FOR FILING OPPOSITION

*308.01(a) In General*

*308.01(b) Insufficient Fee*

308.02 FEE FOR FILING PETITION TO CANCEL

*308.02(a) In General*

*308.02(b) Insufficient Fee*

*308.02(c) Petition Filed by Federal Trade Commission*

*308.02(d) Fee for Counterclaim*

308.03 FEES FOR JOINT OPPOSERS OR PETITIONERS

308.04 FEES FOR PROCEEDING AGAINST MULTIPLE CLASS  
APPLICATION OR REGISTRATION

308.05 FEES FOR CONSOLIDATED AND COMBINED COMPLAINTS

### **309 FORM AND CONTENT OF OPPOSITIONS AND PETITIONS TO CANCEL**

309.01 IN GENERAL

309.02 FORM OF COMPLAINT

*309.02(a) Format for Complaint*

*309.02(b) Signature of Complaint*

*309.02(c) Service of Complaint*

309.02(c)(1) Service of Opposition on Applicant

309.02(c)(2) Service of Petition on Respondent

309.03 SUBSTANCE OF COMPLAINT

*309.03(a) In General*

309.03(a)(1) Scope of Opposition and Petition to Cancel

309.03(a)(2) Elements of Complaint – In General

*309.03(b) Standing*

*309.03(c) Grounds*

*309.03(d) Remedy Under Trademark Act § 18, 15 U.S.C. § 1068, (Partial Opposition or Partial Cancellation)*

309.04 DEFECTS IN COMPLAINT THAT MAY AFFECT INSTITUTION OF PROCEEDING

**310 NOTIFICATION TO PARTIES OF PROCEEDING AND SETTING TIME TO ANSWER**

310.01 NOTIFICATION TO PARTIES OF PROCEEDING

310.02 DEFENDANT'S COPY OF NOTIFICATION RETURNED AS UNDELIVERABLE

310.03 SETTING TIME FOR FILING ANSWER

*310.03(a) In General*

*310.03(b) 5-Day Addition Not Applicable to Deadlines Set by Board*

*310.03(c) Extension of Time to File Answer*

**311 FORM AND CONTENT OF ANSWER**

311.01 FORM OF ANSWER

*311.01(a) Format for Answer*

*311.01(b) Signature of Answer*

*311.01(c) Filing and Service of Answer*

311.02 SUBSTANCE OF ANSWER

*311.02(a) Admissions and Denials*

*311.02(b) Affirmative Defenses*

*311.02(c) Unpleaded Affirmative Defenses*

*311.02(d) Other Affirmative Pleadings - Amplifying Denials*

311.03 REPLY TO ANSWER SHOULD NOT BE FILED

**312 DEFAULT**

312.01 IN GENERAL

312.02 SETTING ASIDE NOTICE OF DEFAULT

312.03 SETTING ASIDE DEFAULT JUDGMENT

**313 COUNTERCLAIMS**

313.01 IN GENERAL

313.02 FEE FOR COUNTERCLAIM

313.03 FORM AND SUBSTANCE OF COUNTERCLAIM; SERVICE OF COUNTERCLAIM

313.04 COMPULSORY COUNTERCLAIMS

313.05 PERMISSIVE COUNTERCLAIMS

313.06 ANSWER TO COUNTERCLAIM

**314 UNPLEADED MATTERS**

- 315 AMENDMENT OF PLEADINGS**
- 316 MOTIONS RELATING TO PLEADINGS**
- 317 EXHIBITS TO PLEADINGS**
- 318 FED. R. CIV. P. 11 APPLICABLE**
- 319 AMENDMENT TO ALLEGE USE; STATEMENT OF USE**

## **CHAPTER 400 DISCOVERY**

### **401 INTRODUCTION TO DISCLOSURES AND DISCOVERY**

- 401.01 DISCOVERY CONFERENCES
- 401.02 INITIAL DISCLOSURES
- 401.03 EXPERT DISCLOSURES
- 401.04 MODIFICATION OF DISCLOSURE OBLIGATIONS
- 401.05 FORM OF DISCLOSURES
- 401.06 OTHER REQUIREMENTS UNDER THE BOARD'S DISCLOSURE REGIME

### **402 SCOPE OF DISCOVERY**

- 402.01 IN GENERAL
- 402.02 LIMITATIONS ON RIGHT TO DISCOVERY AND ON ELECTRONICALLY STORED INFORMATION

### **403 TIMING OF DISCOVERY**

- 403.01 IN GENERAL
- 403.02 TIME FOR SERVICE OF DISCOVERY REQUESTS AND TAKING OF DEPOSITIONS
- 403.03 TIME FOR SERVICE OF DISCOVERY RESPONSES
- 403.04 EXTENSIONS OF DISCOVERY PERIOD, TIME TO RESPOND TO DISCOVERY REQUESTS AND DISCLOSURES
- 403.05 NEED FOR EARLY INITIATION OF DISCOVERY
  - 403.05(a) To Allow Time for "Follow-up" Discovery*
  - 403.05(b) To Facilitate Introduction of Produced Documents*

### **404 DISCOVERY DEPOSITIONS**

- 404.01 WHEN PERMITTED AND BY WHOM
- 404.02 WHO MAY BE DEPOSED

404.03 PLACE OF DEPOSITION; ORAL OR WRITTEN DEPOSITION;  
SECURING ATTENDANCE OF DEPONENT

*404.03(a) Person Residing in the United States – In General*

404.03(a)(1) Person Residing in the United States – Party

404.03(a)(2) Person Residing in the United States – Nonparty

*404.03(b) Person Residing in a Foreign Country – Party*

*404.03(c) Person Residing in a Foreign Country – Nonparty*

404.03(c)(1) Willing Nonparty

404.03(c)(2) Unwilling Nonparty -- The Hague Convention and Letter  
Rogatory Procedure

*404.03(d) Foreign Person Present Within the United States – Party*

*404.03(e) Foreign Person Present Within the United States – Nonparty*

404.04 PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

404.05 NOTICE OF DEPOSITION

404.06 TAKING A DISCOVERY DEPOSITION

*404.06(a) Fed. R. Civ. P. 30(b)(1) Deposition of a Natural Person*

*404.06(b) Fed. R. Civ. P. 30(b)(6) Deposition of a Corporation, Organization,  
Partnership, Association or Other Juristic Person*

*404.06(c) Time for Deposition*

*404.06(d) Re-Depositing a Witness*

404.07 DISCOVERY DEPOSITIONS ON WRITTEN QUESTIONS

*404.07(a) Depositions on Written Questions: Before Whom Taken*

*404.07(b) Depositions on Written Questions: When Taken*

*404.07(c) Depositions on Written Questions: Place of Deposition*

*404.07(d) Depositions on Written Questions: Notice of Deposition*

*404.07(e) Depositions on Written Questions: Examination of Witness*

*404.07(f) Depositions on Written Questions: Objections*

*404.07(g) Depositions on Written Questions: Form of Deposition; Signature*

*404.07(h) Depositions on Written Questions: Certification of Deposition*

*404.07(i) Depositions on Written Questions: Service, Correction, and Making the  
Deposition of Record*

*404.07(j) Deposition on Written Questions: Utility*

404.08 DISCOVERY DEPOSITION OBJECTIONS

*404.08(a) Objections to Notice*

*404.08(b) Objections as to Disqualification of Officer*

*404.08(c) Objections During Deposition*

404.09 DISCOVERY DEPOSITIONS COMPARED TO TESTIMONY DEPOSITIONS

**405 INTERROGATORIES**

405.01 WHEN PERMITTED AND BY WHOM

405.02 SCOPE

405.03 LIMIT ON NUMBER

*405.03(a) Description of Limit*

*405.03(b) Application of Limit: Sets of Interrogatories*

*405.03(c) Application of Limit: Multiple Marks, Etc.*

- 405.03(d) Application of Limit: Counting Interrogatories*
- 405.03(e) Remedy for Excessive Interrogatories*
- 405.04 RESPONSES TO INTERROGATORIES**
  - 405.04(a) Time for Service of Responses*
  - 405.04(b) Nature of Responses*
  - 405.04(c) Signature of Responses and Authority of Signer*

## **406 REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS AND ELECTRONICALLY STORED INFORMATION**

- 406.01 WHEN PERMITTED AND BY WHOM
- 406.02 SCOPE
- 406.03 ELEMENTS OF REQUEST FOR PRODUCTION
- 406.04 RESPONSES TO REQUESTS FOR PRODUCTION
  - 406.04(a) Time for Service of Responses*
  - 406.04(b) Place and Form of Production*
  - 406.04(c) Nature of Responses*

## **407 REQUESTS FOR ADMISSIONS**

- 407.01 WHEN PERMITTED AND BY WHOM
- 407.02 SCOPE AND NATURE OF REQUESTS FOR ADMISSION
- 407.03 RESPONSES TO REQUESTS FOR ADMISSION
  - 407.03(a) Time for Service of Responses*
  - 407.03(b) Nature of Responses*
  - 407.03(c) Signature of Responses*
- 407.04 EFFECT OF ADMISSION

## **408 DUTIES TO COOPERATE, SEARCH RECORDS, SUPPLEMENT**

- 408.01 DUTY TO COOPERATE
  - 408.01(a) Obligation to Conduct Discovery Conference*
  - 408.01(b) Obligation to Make Initial and Expert Testimony Disclosures*
  - 408.01(c) Duty to Cooperate with Regard to Written Discovery and Disclosures*
- 408.02 DUTY TO SEARCH RECORDS
- 408.03 DUTY TO SUPPLEMENT DISCLOSURES AND DISCOVERY RESPONSES

## **409 FILING DISCOVERY REQUESTS, DISCOVERY RESPONSES, AND DISCLOSURES WITH BOARD**

## **410 ASSERTING OBJECTIONS TO REQUESTS FOR DISCOVERY, MOTIONS ATTACKING REQUESTS FOR DISCOVERY, AND DISCLOSURES**

## **411 REMEDY FOR FAILURE TO PROVIDE DISCLOSURES OR DISCOVERY**

- 411.01 INITIAL AND EXPERT TESTIMONY DISCLOSURES

- 411.02 INTERROGATORIES OR REQUESTS FOR PRODUCTION
- 411.03 REQUESTS FOR ADMISSION
- 411.04 DISCOVERY DEPOSITIONS
- 411.05 SANCTIONS RELATED TO DISCLOSURES AND DISCOVERY

## **412 PROTECTIVE ORDERS**

- 412.01 IN GENERAL -- BOARD STANDARD PROTECTIVE ORDER
- 412.02 MODIFICATION OF BOARD'S STANDARD PROTECTIVE ORDER GOVERNING THE EXCHANGE OF CONFIDENTIAL, HIGHLY CONFIDENTIAL AND TRADE SECRET/COMMERCIALY SENSITIVE INFORMATION
  - 412.02(a) Modification of Board's Standard Protective Order Upon Stipulation*
  - 412.02(b) Pro Se Litigants and In-House Legal Counsel*
  - 412.02(c) In Camera Inspection*
  - 412.02(d) Contents of Protective Order*
- 412.03 DURATION OF PROTECTIVE ORDER
- 412.04 FILING CONFIDENTIAL MATERIALS WITH BOARD
- 412.05 HANDLING OF CONFIDENTIAL MATERIALS BY THE BOARD
- 412.06 PROTECTIVE ORDERS LIMITING DISCOVERY
  - 412.06(a) Depositions*
  - 412.06(b) Other Discovery*

## **413 TELEPHONE AND PRETRIAL CONFERENCES**

- 413.01 TELEPHONE CONFERENCES FOR MOTIONS
- 413.02 PRETRIAL CONFERENCES

## **414 SELECTED DISCOVERY GUIDELINES**

# **CHAPTER 500 STIPULATIONS AND MOTIONS**

## **501 STIPULATIONS**

- 501.01 IN GENERAL
- 501.02 FILING STIPULATIONS
- 501.03 FORM OF STIPULATIONS

## **502 MOTIONS--IN GENERAL**

- 502.01 AVAILABLE MOTIONS
- 502.02 FORM OF MOTIONS AND BRIEFS ON MOTIONS

- 502.02(a) *Form of Motions*
- 502.02(b) *Briefs on Motions*
- 502.02(c) *Confidential Information*
- 502.03 ORAL HEARINGS ON MOTIONS
- 502.04 DETERMINATION OF MOTIONS
- 502.05 ATTORNEYS' FEES, ETC., ON MOTIONS
- 502.06 TELEPHONE AND PRETRIAL CONFERENCES
  - 502.06(a) *Telephone Conferences*
  - 502.06(b) *Pretrial Conferences*
- 502.07 FED. R. CIV. P. 11 APPLICABLE

## **503 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

- 503.01 TIME FOR FILING
- 503.02 NATURE OF MOTION
- 503.03 LEAVE TO AMEND DEFECTIVE PLEADING
- 503.04 MATTERS OUTSIDE THE PLEADING SUBMITTED ON MOTION TO DISMISS

## **504 MOTION FOR JUDGMENT ON THE PLEADINGS**

- 504.01 TIME FOR FILING
- 504.02 NATURE OF MOTION
- 504.03 MATTERS OUTSIDE THE PLEADINGS SUBMITTED ON MOTION FOR JUDGMENT ON PLEADINGS

## **505 MOTION FOR A MORE DEFINITE STATEMENT**

- 505.01 NATURE OF MOTION
- 505.02 TIME FOR FILING
- 505.03 FAILURE TO OBEY ORDER FOR MORE DEFINITE STATEMENT

## **506 MOTION TO STRIKE MATTER FROM PLEADING**

- 506.01 NATURE OF MOTION
- 506.02 TIME FOR FILING
- 506.03 EXHIBITS ATTACHED TO PLEADINGS

## **507 MOTION TO AMEND PLEADING**

- 507.01 IN GENERAL
- 507.02 AMENDMENTS--GENERAL RULE—FED. R. CIV. P. 15(A)
  - 507.02(a) *Timing of Motion to Amend Pleading – In General*
  - 507.02(b) *Timing of Motion to Amend to Add Counterclaim*
- 507.03 AMENDMENTS TO CONFORM TO THE EVIDENCE -- FED. R. CIV. P. 15(B)

*507.03(a) During Trial After Objection to Trial Evidence*  
*507.03(b) To Add Issues Tried by Express or Implied Consent*

## **508 MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER**

## **509 MOTION TO EXTEND TIME; MOTION TO REOPEN TIME**

### 509.01 NATURE OF MOTIONS

*509.01(a) Motions to Extend Time*

*509.01(b) Motions to Reopen Time*

509.01(b)(1) In General

509.01(b)(2) To Introduce Newly Discovered Evidence

### 509.02 FORM AND DETERMINATION OF MOTIONS TO EXTEND OR REOPEN

## **510 MOTION TO SUSPEND; MOTION TO RESUME**

### 510.01 IN GENERAL

### 510.02 SUSPENSION PENDING OUTCOME OF ANOTHER PROCEEDING; RESUMPTION

*510.02(a) Suspension*

*510.02(b) Resumption*

### 510.03 SUSPENSION FOR OTHER REASONS; RESUMPTION

*510.03(a) Suspension*

*510.03(b) Resumption*

## **511 MOTION TO CONSOLIDATE**

## **512 MOTION TO JOIN OR SUBSTITUTE**

### 512.01 ASSIGNMENT OF MARK

### 512.02 CHANGE OF NAME

### 512.03 ISSUANCE OF REGISTRATION TO ASSIGNEE, OR IN NEW NAME

### 512.04 MISIDENTIFICATION

## **513 MOTION TO WITHDRAW AS REPRESENTATIVE; PETITION TO DISQUALIFY**

### 513.01 MOTION TO WITHDRAW AS REPRESENTATIVE

### 513.02 PETITION TO DISQUALIFY

## **514 MOTION TO AMEND APPLICATION OR REGISTRATION**

### 514.01 IN GENERAL

### 514.02 AMENDMENT WITH CONSENT

514.03 AMENDMENT WITHOUT CONSENT  
514.04 AMENDMENT TO ALLEGE USE; STATEMENT OF USE

**515 MOTION TO REMAND APPLICATION TO EXAMINING ATTORNEY**

**516 MOTION TO DIVIDE APPLICATION OR REGISTRATION**

**517 MOTION TO STRIKE BRIEF ON MOTION**

**518 MOTION FOR RECONSIDERATION OF DECISION ON MOTION**

**519 MOTION FOR LEAVE TO SERVE ADDITIONAL INTERROGATORIES**

**520 MOTION TO TAKE FOREIGN DEPOSITION ORALLY**

**521 MOTION TO QUASH NOTICE OF DEPOSITION**

**522 MOTION FOR ORDER RE MANNER OR PLACE OF DOCUMENT PRODUCTION**

**523 MOTION TO COMPEL DISCLOSURE OR DISCOVERY**

523.01 IN GENERAL  
523.02 SPECIAL REQUIREMENTS FOR MOTION  
523.03 TIME FOR FILING MOTION  
523.04 FAILURE TO FILE MOTION TO COMPEL

**524 MOTION TO TEST SUFFICIENCY OF RESPONSE TO ADMISSION REQUEST**

524.01 IN GENERAL  
524.02 SPECIAL REQUIREMENTS FOR MOTION  
524.03 TIME FOR FILING MOTION  
524.04 FAILURE TO FILE MOTION

**525 MOTION TO WITHDRAW OR AMEND ADMISSION**

**526 MOTION FOR A PROTECTIVE ORDER**

## **527 MOTION FOR SANCTIONS**

### **527.01 MOTION FOR DISCOVERY SANCTIONS**

*527.01(a) For Failure to Comply With Board Discovery Order*

*527.01(b) If Party Says It Will Not Respond to Discovery Request or Make Required Disclosures*

*527.01(c) Untimely Response to Discovery Requests*

*527.01(d) In the Case of Requests for Admission*

*527.01(e) Estoppel Sanction*

*527.01(f) Motions in Limine*

### **527.02 MOTION FOR FED. R. CIV. P. 11 SANCTIONS**

### **527.03 INHERENT AUTHORITY TO SANCTION**

## **528 MOTION FOR SUMMARY JUDGMENT AND ACCELERATED CASE RESOLUTION**

### **528.01 GENERAL NATURE OF MOTION**

### **528.02 TIME FOR FILING MOTION**

### **528.03 SUSPENSION PENDING DETERMINATION OF MOTION**

### **528.04 MISCAPTIONED MOTION**

### **528.05 SUMMARY JUDGMENT EVIDENCE**

*528.05(a)(1) In General*

*528.05(a)(2) Accelerated Case Resolution (ACR)*

*528.05(b) Affidavits and Accompanying Exhibits*

*528.05(c) Discovery Responses and Disclosures*

*528.05(d) Registrations*

*528.05(e) Printed Publications and Official Records*

*528.05(f) Testimony from Another Proceeding*

### **528.06 REQUEST FOR DISCOVERY TO RESPOND TO SUMMARY JUDGMENT**

### **528.07 UNPLEADED ISSUE**

*528.07(a) Not Basis for Entering Summary Judgment*

*528.07(b) Not Defense Against Summary Judgment*

### **528.08 ENTRY OF SUMMARY JUDGMENT IN FAVOR OF NONMOVING PARTY**

## **529 MOTION TO OFFER DISCOVERY DEPOSITION OF SELF OR NONPARTY**

## **530 MOTION TO USE TESTIMONY FROM ANOTHER PROCEEDING**

## **531 MOTION THAT DEPOSITION UPON WRITTEN QUESTIONS BE TAKEN ORALLY**

## **532 MOTION TO STRIKE NOTICE OF RELIANCE**

## **533 MOTION TO STRIKE TRIAL TESTIMONY DEPOSITION**

533.01 ON GROUND OF UNTIMELINESS

533.02 ON OTHER GROUNDS

533.02(a) *On Ground Of Improper Or Inadequate Notice*

533.02(b) *On Ground of Failure to Disclose Witness in Expert or Pretrial Disclosures*

533.03 WHEN MOTION TO STRIKE SHOULD NOT BE FILED

## **534 MOTION FOR JUDGMENT FOR PLAINTIFF'S FAILURE TO PROVE CASE**

534.01 IN GENERAL

534.02 MOTION FOR JUDGMENT UNDER 37 CFR § 2.132(a)

534.03 MOTION FOR JUDGMENT UNDER 37 CFR § 2.132(b)

534.04 MOTION UNDER FED. R. CIV. P. 41(B) OR 50(A) NOT AVAILABLE

## **535 MOTION FOR ORDER TO SHOW CAUSE UNDER 37 CFR § 2.134(b)**

## **536 MOTION FOR ORDER TO SHOW CAUSE UNDER 37 CFR § 2.128(a)(3)**

## **537 MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR BRIEF ON CASE**

## **538 MOTION FOR LEAVE TO FILE AMICUS BRIEF**

## **539 MOTION TO STRIKE BRIEF ON CASE**

## **540 MOTION FOR AUGMENTED PANEL HEARING**

## **541 MOTION TO CHANGE ORAL HEARING DATE; FOR ADDITIONAL TIME**

541.01 MOTION TO CHANGE ORAL HEARING DATE

541.02 MOTION FOR ADDITIONAL TIME FOR ORAL ARGUMENT

## **542 MOTION FOR LEAVE TO RECORD ORAL HEARING**

## **543 MOTION FOR RECONSIDERATION OF FINAL DECISION**

## **544 MOTION FOR RELIEF FROM FINAL JUDGMENT**

**CHAPTER 600**  
**WITHDRAWAL; SETTLEMENT**

**601 WITHDRAWAL BY OPPOSITION OR CANCELLATION PLAINTIFF**

- 601.01 WITHDRAWAL BY OPPOSER
- 601.02 WITHDRAWAL BY PETITIONER
- 601.03 EFFECT OF MOTION FOR JUDGMENT

**602 WITHDRAWAL BY OPPOSITION OR CANCELLATION DEFENDANT**

- 602.01 WITHDRAWAL BY APPLICANT
- 602.02 WITHDRAWAL BY RESPONDENT
  - 602.02(a) Surrender or Voluntary Cancellation of Registration*
  - 602.02(b) Cancellation Under Section 8 or 71; Expiration Under Section 9 or 70*

**603 WITHDRAWAL BY INTERFERENCE OR CONCURRENT USE APPLICANT**

**604 CONSENT TO JUDGMENT**

**605 SETTLEMENT**

- 605.01 IN GENERAL
- 605.02 SUSPENSION FOR SETTLEMENT NEGOTIATIONS
- 605.03 SETTLEMENT AGREEMENTS
  - 605.03(a) In General*
  - 605.03(b) With Amendment of Subject Application or Registration*
  - 605.03(c) With Amendment of Plaintiff's Pending Application*
  - 605.03(d) Breach of Settlement Agreement*
  - 605.03(e) Effect of Judgment Based Upon Agreement*
  - 605.03(f) Consent Orders*

**606 EFFECT ON COUNTERCLAIM**

**CHAPTER 700**  
**TRIAL PROCEDURE AND INTRODUCTION OF EVIDENCE**

**701 TIME OF TRIAL**

**702 PRETRIAL DISCLOSURES; MANNER OF TRIAL; AND  
INTRODUCTION OF EVIDENCE**

- 702.01 PRETRIAL DISCLOSURES
- 702.02 INTRODUCTION OF EVIDENCE
- 702.03 MANNER OF TRIAL
- 702.04 ACCELERATED CASE RESOLUTION

- 702.04(a) *In General*
- 702.04(b) *ACR Using Summary Judgment Briefs*
- 702.04(c) *ACR Conversion - Summary Judgment Briefs*
- 702.04(d) *ACR Using Stipulated Record and Trial Briefs*
- 702.04(e) *Utilizing Stipulations in Non-ACR Board cases*
- 702.05 OVERLY LARGE RECORDS

## **703 TAKING AND INTRODUCING TESTIMONY**

### **703.01 ORAL TESTIMONY DEPOSITIONS**

- 703.01(a) *In General*
- 703.01(b) *Form of Testimony*
- 703.01(c) *Time for Taking Testimony*
- 703.01(d) *Time and Place of Deposition*
- 703.01(e) *Notice of Deposition*
- 703.01(f) *Securing Attendance of Unwilling Adverse Party or Nonparty*
  - 703.01(f)(1) *In General*
  - 703.01(f)(2) *Unwilling Witness Residing in United States*
  - 703.01(f)(3) *Unwilling Witness Residing in Foreign Country*
- 703.01(g) *Persons Before Whom Depositions May be Taken*
- 703.01(h) *Examination of Witnesses*
- 703.01(i) *Form of Deposition and Exhibits*
- 703.01(j) *Signature of Deposition by Witness*
- 703.01(k) *Certification and Filing of Deposition*
- 703.01(l) *Testimony Deposition Must be Filed*
- 703.01(m) *Service of Deposition*
- 703.01(n) *Correction of Errors in Deposition*
- 703.01(o) *Objections to Testimony Depositions*
- 703.01(p) *Confidential or Trade Secret Material*

### **703.02 TESTIMONY DEPOSITIONS ON WRITTEN QUESTIONS**

- 703.02(a) *Depositions on Written Questions: When Available*
- 703.02(b) *Depositions on Written Questions: Before Whom Taken*
- 703.02(c) *Depositions on Written Questions: When Taken*
- 703.02(d) *Depositions on Written Questions: Place of Deposition*
- 703.02(e) *Depositions on Written Questions: Notice of Deposition*
- 703.02(f) *Depositions on Written Questions: Securing Attendance of Unwilling Witness*
- 703.02(g) *Depositions on Written Questions: Examination of Witness*
- 703.02(h) *Depositions on Written Questions: Form, Signature and Certification of Deposition*
- 703.02(i) *Depositions on Written Questions: Service, Correction and Filing Of Deposition*
- 703.02(j) *Testimony Depositions on Written Questions Must be Filed*
- 703.02(k) *Depositions on Written Questions: Objections to Deposition*
- 703.02(l) *Depositions on Written Questions: Confidential or Trade Secret Material*
- 703.02(m) *Depositions on Written Questions: Utility*

## **704 INTRODUCING OTHER EVIDENCE**

704.01 IN GENERAL

704.02 NOTICE OF RELIANCE – GENERALLY

704.03 APPLICATIONS AND REGISTRATIONS

*704.03(a) Subject of Proceeding*

*704.03(b) Not Subject of Proceeding – In General*

704.03(b)(1) Registration Not Subject of Proceeding

704.03(b)(1)(A) Registration Owned by Party

704.03(b)(1)(B) Third-Party Registration

704.03(b)(2) Application Not Subject of Proceeding

704.04 STATEMENTS AND THINGS IN APPLICATION OR REGISTRATION

704.05 EXHIBITS TO PLEADINGS OR BRIEFS

*704.05(a) Exhibits to Pleadings*

*704.05(b) Exhibits to Briefs*

704.06 STATEMENTS IN PLEADINGS OR BRIEFS

*704.06(a) Statements in Pleadings*

*704.06(b) Statements in Briefs*

704.07 OFFICIAL RECORDS

704.08 PRINTED PUBLICATIONS

*704.08(a) Traditional Printed Publications*

*704.08(b) Internet Materials*

*704.08(c) Other Printed Materials*

704.09 DISCOVERY DEPOSITIONS

704.10 INTERROGATORY ANSWERS; ADMISSIONS

704.11 PRODUCED DOCUMENTS

704.12 JUDICIAL NOTICE

*704.12(a) Kind of Fact That May be Judicially Noticed*

*704.12(b) When Taken*

*704.12(c) Opportunity to be Heard*

*704.12(d) Time of Taking Notice*

704.13 TESTIMONY FROM ANOTHER PROCEEDING

704.14 INITIAL DISCLOSURES AND DISCLOSED DOCUMENTS

## **705 STIPULATED EVIDENCE AND ACCELERATED CASE RESOLUTION (ACR)**

## **706 NONCOMPLYING EVIDENCE**

## **707 OBJECTIONS TO EVIDENCE**

707.01 IN GENERAL

707.02 OBJECTIONS TO NOTICES OF RELIANCE

*707.02(a) In General*

*707.02(b) On Procedural Grounds*

707.02(b)(1) On Ground of Untimeliness

- 707.02(b)(2) On Other Procedural Grounds
- 707.02(c) *On Substantive Grounds*
- 707.03 OBJECTIONS TO TRIAL TESTIMONY DEPOSITIONS
  - 707.03(a) *In General*
  - 707.03(b) *On Procedural Grounds*
    - 707.03(b)(1) On Ground of Untimeliness
    - 707.03(b)(2) On Ground of Improper or Inadequate Notice
    - 707.03(b)(3) On Ground of Failure to Disclose
  - 707.03(c) *On Other Procedural Grounds and on Substantive Grounds*
  - 707.03(d) *Refusal to Answer Deposition Question*
- 707.04 WAIVER OF OBJECTION

## **CHAPTER 800**

### **BRIEFS ON CASE, ORAL HEARING, FINAL DECISION**

#### **801 BRIEFS ON THE CASE**

- 801.01 IN GENERAL
- 801.02 TIME FOR FILING
  - 801.02(a) *Plaintiff's Main Brief*
  - 801.02(b) *Defendant's Main Brief*
  - 801.02(c) *Plaintiff's Reply Brief*
  - 801.02(d) *Reply Brief for Defendant Not Permitted*
  - 801.02(e) *Special Situations*
- 801.03 FORM AND CONTENTS OF BRIEF
- 801.04 AMICUS BRIEFS
- 801.05 MOTION TO STRIKE BRIEF ON CASE

#### **802 ORAL HEARING**

- 802.01 IN GENERAL
- 802.02 REQUEST FOR ORAL HEARING
- 802.03 TIME AND PLACE OF HEARING
- 802.04 BEFORE WHOM HELD
- 802.05 LENGTH OF ORAL ARGUMENT
- 802.06 AUDIO RECORDING AND VIDEO RECORDING
- 802.07 VISUAL AIDS, ETC.
- 802.08 NATURE OF HEARING

#### **803 FINAL DECISION**

#### **804 REQUEST FOR REHEARING, RECONSIDERATION, OR MODIFICATION OF FINAL DECISION**

#### **805 FINAL DECISION REMAND TO EXAMINING ATTORNEY**

**806 TERMINATION OF PROCEEDING**

**807 STATUS OF APPLICATION AFTER PROCEEDING**

**CHAPTER 900  
REVIEW OF DECISION OF BOARD**

**901 APPEALS--IN GENERAL**

901.01 AVENUES OF APPEAL

901.02 WHAT MAY BE APPEALED

901.02(a) *Final Decision Versus Interlocutory Decision*

901.02(b) *Judgment Subject to Establishment of Constructive Use*

**902 APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

902.01 NOTICE OF APPEAL

902.02 TIME FOR FILING NOTICE OF APPEAL, CROSS-APPEAL

902.03 APPEAL TO FEDERAL CIRCUIT WAIVES APPEAL BY CIVIL ACTION

902.04 NOTICE OF ELECTION TO HAVE REVIEW BY CIVIL ACTION

902.05 INFORMATION CONCERNING TIMES SPECIFIED IN 37 CFR § 2.145

902.06 CERTIFIED LIST

902.07 APPEAL BRIEFS, APPENDIX, ETC.

902.08 SPECIAL PROVISIONS FOR EX PARTE CASES

**903 APPEAL BY CIVIL ACTION**

903.01 NOTICE OF CIVIL ACTION

903.02 PARTIES TO AND SERVICE OF CIVIL ACTION

903.03 PLACE OF CIVIL ACTION

903.04 TIME FOR FILING CIVIL ACTION, CROSS-ACTION

903.05 INFORMATION CONCERNING TIMES SPECIFIED IN 37 CFR § 2.145

903.06 CIVIL ACTION PRECLUDED BY APPEAL TO FEDERAL CIRCUIT

903.07 SPECIAL PROVISIONS FOR EX PARTE CASES

**904 ACCESS TO RECORD DURING APPEAL**

904.01 ACCESS DURING APPEAL TO FEDERAL CIRCUIT

904.02 ACCESS DURING APPEAL BY CIVIL ACTION

**905 PETITION TO THE DIRECTOR**

**906 STANDARDS OF REVIEW OF BOARD DECISIONS**

906.01 APPEAL TO FEDERAL CIRCUIT OR BY CIVIL ACTION

906.02 PETITION TO DIRECTOR

## **CHAPTER 1000 INTERFERENCES**

### **1001 IN GENERAL**

### **1002 DECLARATION OF INTERFERENCE**

### **1003 INSTITUTION OF INTERFERENCE**

### **1004 ISSUES IN INTERFERENCE**

### **1005 BURDEN OF PROOF**

### **1006 ADDITION OF PARTY**

### **1007 CONDUCT OF PROCEEDING**

## **CHAPTER 1100 CONCURRENT USE PROCEEDINGS**

### **1101 IN GENERAL**

1101.01 NATURE OF PROCEEDING

1101.02 CONTEXT FOR USPTO DETERMINATION OF CONCURRENT RIGHTS

### **1102 GENERATION OF PROCEEDING**

1102.01 MEANS OF GENERATION

1102.02 BASES FOR CONCURRENT REGISTRATION – BOARD DETERMINATION  
COURT DETERMINATION

### **1103 REQUIREMENTS FOR CONCURRENT USE APPLICATION**

1103.01 APPLICATION BASED ON BOARD DETERMINATION

*1103.01(a) Application Must Assert Use in Commerce*

*1103.01(b) Jurisdictional Requirement*

*1103.01(c) Application Must Meet Requirements Applicable to Non-Restricted Application*

*1103.01(d) Application Must Identify Nature and Extent of Restriction Sought*

1103.01(d)(1) In General

1103.01(d)(2) Geographic Restrictions

1103.01(d)(3) Mode of Use Restrictions

*1103.01(e) Application Must Identify Excepted Users and Their Asserted Rights*

*1103.01(f) Other Requirements*

- 1103.02 APPLICATION BASED ON PRIOR BOARD DECISION
- 1103.03 APPLICATION BASED ON COURT DETERMINATION

**1104 PARTIES TO PROCEEDING; INVOLVED APPLICATIONS, REGISTRATIONS**

**1105 APPLICATIONS AND REGISTRATIONS NOT SUBJECT TO PROCEEDING**

**1106 COMMENCEMENT OF PROCEEDING**

- 1106.01 MARKING OF CONCURRENT USE APPLICATION
- 1106.02 PUBLICATION OF CONCURRENT USE APPLICATION; OPPOSITION PERIOD
- 1106.03 PREPARING THE RECORD FOR THE INVOLVED APPLICATION AND REGISTRATION FILES
- 1106.04 PREPARING CONCURRENT USE NOTICES
- 1106.05 LOCATING EXCEPTED USERS

**1107 ANSWER; DEFAULT**

**1108 ISSUE IN CONCURRENT USE PROCEEDING; BURDEN OF PROOF**

**1109 CONDUCT OF PROCEEDING**

- 1109.01 SAMPLE TRIAL SCHEDULES – CASES COMMENCED ON OR AFTER NOVEMBER 1, 2007
- 1109.02 SAMPLE TRIAL SCHEDULES – CASES COMMENCED PRIOR TO NOVEMBER 1, 2007

**1110 SETTLEMENT PROVIDING FOR CONCURRENT REGISTRATION**

**1111 EFFECT OF ABANDONMENT OF INVOLVED APPLICATION**

**1112 EFFECT OF ADVERSE DECISION IN OPPOSITION OR CANCELLATION**

**1113 “CONVERSION” OF OPPOSITION OR CANCELLATION PROCEEDING TO CONCURRENT USE PROCEEDING**

- 1113.01 CONVERSION OF OPPOSITION PROCEEDING
- 1113.02 CONVERSION OF CANCELLATION PROCEEDING

**1114 ALTERATION OF RESTRICTIONS ON CONCURRENT REGISTRATION**

## **CHAPTER 1200 EX PARTE APPEALS**

### **1201 PROPRIETY OF APPEAL**

- 1201.01 READINESS OF CASE FOR APPEAL
- 1201.02 PREMATURE FINAL
- 1201.03 PREMATURE APPEAL
- 1201.04 COMPLIANCE WITH REQUIREMENTS NOT SUBJECT OF APPEAL
- 1201.05 APPEAL VERSUS PETITION

### **1202 FILING AN APPEAL**

- 1202.01 IN GENERAL
- 1202.02 TIME FOR APPEAL
- 1202.03 NOTICE OF APPEAL
- 1202.04 APPEAL FEE
- 1202.05 MULTIPLE CLASS APPLICATIONS

### **1203 APPEAL BRIEFS**

- 1203.01 FORM OF BRIEF
- 1203.02 TIME FOR FILING BRIEF
  - 1203.02(a) Applicant's Main Brief*
  - 1203.02(b) Trademark Examining Attorney's Brief*
  - 1203.02(c) Applicant's Reply Brief*
  - 1203.02(d) Extension of Time for Filing Brief*
  - 1203.02(e) Material Submitted with Briefs*
  - 1203.02(f) Cases Which May Be Cited*
  - 1203.02(g) Waiver of Claim or Requirement in Brief*

### **1204 EFFECT OF REQUEST FOR RECONSIDERATION OF FINAL ACTION**

### **1205 AMENDMENT OF APPLICATION DURING APPEAL**

- 1205.01 IN GENERAL
- 1205.02 REQUEST TO DIVIDE
  - 1205.02(a) Request to Divide When Notice of Appeal is Submitted Electronically*
  - 1205.02(b) Request to Divide When Notice of Appeal is Submitted on Paper*

### **1206 AMENDMENT TO ALLEGE USE; STATEMENT OF USE**

- 1206.01 AMENDMENT TO ALLEGE USE
- 1206.02 STATEMENT OF USE

### **1207 SUBMISSION OF EVIDENCE DURING APPEAL**

- 1207.01 GENERAL RULE--EVIDENCE SUBMITTED AFTER APPEAL UNTIMELY
- 1207.02 REQUEST TO REMAND FOR ADDITIONAL EVIDENCE
- 1207.03 EVIDENCE CONSIDERED DUE TO ACTIONS OF NONOFFERING PARTY

1207.04 EVIDENCE FILED WITH TIMELY REQUEST FOR RECONSIDERATION

1207.05 SUBMISSION OF EVIDENCE UPON REMAND FOR NEW REFUSAL

1207.06 LETTER OF PROTEST EVIDENCE

**1208 TREATMENT OF EVIDENCE**

1208.01 EVIDENCE FROM NEXIS DATABASE OR PUBLICATIONS

1208.02 THIRD-PARTY REGISTRATIONS

1208.03 INTERNET MATERIAL

1208.04 JUDICIAL NOTICE

1208.05 APPLICANT'S OWN MATERIALS

**1209 REMAND**

1209.01 UPON BOARD'S OWN INITIATIVE

1209.02 UPON REQUEST BY TRADEMARK EXAMINING ATTORNEY

1209.03 UPON GRANTED LETTER OF PROTEST

1209.04 UPON REQUEST BY APPLICANT

**1210 APPROVAL FOR PUBLICATION DURING APPEAL**

**1211 ABANDONMENT DURING APPEAL**

**1212 CANCELLATION OR ASSIGNMENT OF CITED REGISTRATION**

**1213 SUSPENSION OF APPEAL**

**1214 CONSOLIDATION**

**1215 ALTERNATIVE POSITIONS**

**1216 ORAL HEARING**

**1217 FINAL DECISION**

**1218 REOPENING (AMENDMENT, ETC., AFTER FINAL DECISION)**

**1219 REVIEW OF FINAL DECISION**

1219.01 BY REQUEST FOR RECONSIDERATION

1219.02 BY APPEAL