

**TRADEMARK TRIAL
AND
APPEAL BOARD
MANUAL OF
PROCEDURE
(TBMP)**

Second Edition
June 2003

United States Patent and Trademark Office

PREFACE TO THE SECOND EDITION

When we issued the first edition of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) in 1995, we expressed the hope that it would serve as a comprehensive and ready resource for practitioners. That has proved to be so, if we can judge by the enthusiastic reception the TBMP has received. With this second edition, we hope to make a good thing better.

This edition of the TBMP reflects changes in TTAB practice resulting from statutory changes and new rules promulgated since 1995 and, in particular, from the changes made in many of the TTAB rules in 1998. We have revised the format of the manual to add a comprehensive table of contents for each chapter. We have shifted case citations to footnotes to make the text easier to read and have enhanced case citations to include parenthetical explanations of the significance of the cited cases. We have added appendices with additional case law citations. We have reorganized some of the chapters to help users locate relevant information more quickly and have expanded some sections to explain TTAB practice more clearly or to reflect changes in practice.

This edition of the manual reflects also the Office's commitment to electronic government. We will not publish this edition of the TBMP in paper form but will make it available only on line at the TTAB web page of the USPTO web site. By using electronic technology, we can update the manual more quickly and, we hope, enhance its ultimate value to practitioners.

Special thanks to TTAB Interlocutory Attorney Linda Skoro and Administrative Trademark Judge Terry Holtzman, whose countless hours of work and applied creativity have made this edition of the TBMP not a mere update of the first edition but, in many respects, a new and even more useful guide to TTAB practice.

*J. David Sams
Chief Administrative Trademark Judge
Trademark Trial and Appeal Board*

May 1, 2003

INTRODUCTION

The purpose of this manual is to provide practitioners with basic information generally useful for litigating cases before the Trademark Trial and Appeal Board. The manual does not modify, amend, or serve as a substitute for any existing statutes, rules, or decisional law and is not binding upon the Board, its reviewing tribunals, the Director, or the USPTO. *Cf., In re Wine Society of America Inc.*, 12 USPQ2d 1139 (TTAB 1989).

Rather, the manual describes current practice and procedure under the applicable authority, as of the date the manual is issued.

The manual is devoted primarily to opposition and cancellation proceedings, the two most common types of inter partes proceedings before the Board. Nonetheless, the manual includes a chapter of general information useful for all proceedings and chapters on interference proceedings, concurrent use proceedings, and ex parte appeals to the Board.

The manual will be updated periodically. In particular, after implementation of the Madrid Protocol, the Board will update the manual to reflect the resulting changes in Board practice.

The Board welcomes suggestions for improving the content of the manual. Suggestions and comments should be addressed as follows:

Commissioner for Trademarks
Attention: Chief Administrative Trademark Judge
2900 Crystal Drive
Arlington, Virginia 22202-3514

The title of the manual is abbreviated as "TBMP". A citation to a section of the manual may be written as "TBMP § _____ (2d ed. June 2003)" (e.g. "TBMP § 110.01 (2d ed. June 2003)").

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