

Attachment C

INDEX TO CHANGES

June 2019



| TBMP Section: | Nature of Change: |
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| | THROUGHOUT MANUAL |
| | Spacing, punctuation and formatting corrections as needed for consistency. Corrections to order of citations where appropriate in accordance with citation and manual protocols; pin point cites and parenthetical information added to cases brought forward from previous editions where appropriate. Citations to McCarthy's checked and year updated (2019). (McCarthy is referenced in Chapters 300 and 600).¶ Citations to Wright & Miller Federal Practice and Procedure (FPP) checked and year updated (2018). (Referenced in Chapters 300, 400, 500, 700).¶ Checked, and updated as necessary, the Trademark Rules of Practice, Federal Rules of Civil Procedure, Federal Rules of Evidence, Federal Circuit Rules, TMEP cross references; TBMP cross references¶ |
| | CHAPTER 100 |
| 101.03 | 3d para.: update company names for legal research databases Add new [Note 2]; renumber remaining notes |
| 102.01 | 3d para.: update Board practice statement regarding constitutional claims raised by a party; add new [Note 5.] Note. 4: change parentheticals on <i>Blackhorse & Harjo</i> to "same"; delete reference to Zirco and Capital Speakers. Add new Note 5. |
| 102.02 | Notes 4 & 5: remove reference to former interference rule (now reserved) Note 5: add reference to Fed. Reg. regarding removal of interference rules |
| 110.03 | 3d para., last line: remove phrase "or provide notice of their filing" Note 4: Add reference to <i>The Coffee Studio LLC v. Reign LLC dba Coffee Studio</i> , 129 USPQ2d 1480 (TTAB 2019) |
| 112 | 3d para.: add explanation; add [Note 4] New note 4: add reference to <i>Asustek Computer Inc. v. Chengdu Westhouse Interactive Entertainment Co., Ltd.</i> , 128 USPQ2d 1470 (TTAB 2018) |
| 113.02 | 2d para.: new explanation; new [Note 2.] New note 2: add reference to <i>The Coffee Studio LLC v. Reign LLC dba Coffee Studio</i> , 129 USPQ2d 1480 (TTAB 2019) |
| 114.05 | 1st para.: delete last 2 sentences 2d. para.: reorganize first sentence |
| 114.06 | Title and 1st & 2d paras.: change "entitled" to "recognized" |
| 117.01 | 2d para.: update email address characters allowed from 150 to 800 |
| 117.02 | 9th para.: update email address characters allowed from 150 to 800 |

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| 123 | 2d para., last line: remove repetitive information |
| | CHAPTER 200 |
| 204 | 1st para., 3d sentence: remove word “bundled” |
| 206.03 | Note 2: restructure from 2 to 3 paragraphs |
| 210 | 6th para.: reworded to inform that electronic filing is now required because form for an objection is available in ESTTA |
| 211.01 | 5th para.: reworded to inform that electronic filing is now required because form for requesting reconsideration is available in ESTTA |
| 211.03 | 2d para.: amended to reflect language in 37 C.F.R. § 2.146(c) about verified statements 3rd para.: amended to reflect language in 37 C.F.R. § 2.146(e)(1) about the timing to file a petition to the Director |
| 212.01 | 4th para., last sentence: information updated as to methods for making inquiries |
| 212.03 | Last sentence: information updated as to methods for making inquiries |
| 217 | 3d para.: reworded to inform that electronic filing is now required because form for relinquishment is available in ESTTA |
| | CHAPTER 300 |
| 301.01 | Note 4: deleted reference to 37 C.F.R. § 2.91 |
| 302 | 4th para.: deleted “as described in 37 C.F.R. § 2.93.” |
| 302.01 | 4th para.: amended sentence to identify other methods of payment; added sentence about requesting a refund when the paper filing is a result of ESTTA technical difficulties. |
| | Note 9: add reference to <i>DFC Expo LLC v. Coyle</i> , 121 USPQ2d 1903 (TTAB 2017). |
| 303.05(b) | 2d & 3rd paras.: amended to reflect that ESTTA will prompt user to provide an explanation if the opposition is filed in a different name than the filer of an extension of time to oppose. |
| 303.05(c) | 3rd para.: amended to reflect that ESTTA will prompt user to provide an explanation if the opposition was filed in a different name than the filer of the extension of time to oppose and the discrepancy is the result of a misidentification of opposer by mistake. New 4th para.: “For information concerning the misidentification of a potential opposer during an extension of time to oppose, see TBMP § 206.03.” |
| 303.05(d) | 1st para.: Add “For information regarding applicant’s ability to correct a defect in the name or legal entity in the application, see TBMP § 512.04 and TMEP § 1201.02(c).” |
| | Note 1: add reference to <i>Great Seats Ltd. v. Great Seats Inc.</i> , 84 USPQ2d 1235 (TTAB 2007). |
| 303.06 | Added after 1st para.: “Please note : In ESTTA, all parties must be identified during the filing process in order for the proper fees to be charged for each party opposer or petitioner.” |

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| | <p>Note 1: add reference to <i>Syngenta Crop Protection Inc. v. Bio-Chek LLC</i>, 90 USPQ2d 1112 (TTAB 2009) and <i>Giersch v. Scripps Networks Inc.</i>, 90 USPQ2d 1020 (TTAB 2009); MISCELLANEOUS CHANGES TO TRADEMARK TRIAL AND APPEAL BOARD RULES OF PRACTICE, 81 Fed. Reg. 69950 (October 7, 2016).</p> <p>Note 2: add reference to <i>General Mills, Inc. v. Fage Dairy Processing Industry SA</i>, 100 USPQ2d 1584 (TTAB 2011).</p> |
| 305.01 | Note 3: add reference to <i>One Jeanswear Group Inc. v. YogaGlo, Inc.</i> , 127 USPQ2d 1793 (TTAB 2018). |
| 305.02 | <p>2d para.: re-written to provide a way for a plaintiff filing a notice of opposition and a petition to cancel against the same defendant to go forward on a single record</p> <p>Note 3: deleted</p> |
| 306.01 | Note 3: slightly revised wording in parenthetical for <i>Vibe Records Inc. v. Vibe Media Group LLC</i> , 88 USPQ2d 1280 (TTAB 2008). |
| 306.04 | Note 1: Added “the” before “fact that potential opposer.” |
| 307.01 | Note 3: add reference to <i>K-Swiss Inc. v. Swiss Army Brands Inc.</i> , 58 USPQ2d 1540 (TTAB 2001); <i>Consorzio del Prosciutto di Parma v. Parma Sausage Products Inc.</i> , 23 USPQ2d 1894 (TTAB 1992); <i>Treadwell's Drifters Inc. v. Marshak</i> , 18 USPQ2d 1318 (TTAB 1990). |
| | Note 4: add reference to <i>Sentry Chemical Company v. Pennwalt Corp.</i> , 212 USPQ 25 (TTAB 1980) |
| 307.02(a) | <p>2d para.: added statutory references: geographically descriptive 15 U.S.C. § 2(e)(2), or geographically deceptively misdescriptive, 15 U.S.C. § 2(e)(3), primarily merely a surname, 15 U.S.C. § 2(e)(4))</p> <p>New paras. 9 & 10 highlighting TTAB’s Expedited Cancellation Pilot Program</p> <p>New [Note 14]</p> <p>Note 5: add reference to <i>Stromgren Supports Inc. v. Bike Athletic Co.</i>, 43 USPQ2d 1100 (TTAB 1997).</p> <p>Note 7: add reference to <i>Montecash LLC v. Anzar Enterprises Inc.</i>, 95 USPQ2d 1060 (TTAB 2010).</p> <p>New Note 14: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786 (TTAB 2018).</p> |
| 307.04 | Paragraph 2, line 10, revised to read “and only any submitted filing fee for the petition to cancel will be refunded.” |
| 309.03(a)(1) | Note 4: add reference to <i>Destileria Serralles, Inc. v. Kabushiki Kaisha Donq</i> , 125 USPQ2d 1463 (TTAB 2017). |
| 309.03(a)(2) | <p>Note 3: add reference to <i>Bell’s Brewery, Inc. v. Innovation Brewing</i>, 125 USPQ2d 1340 (TTAB 2017).</p> <p>Note 4: add reference to <i>Lewis Silkin LLP v. Firebrand LLC</i>, 129 USPQ2d 1015 (TTAB 2018).</p> |
| 309.03(b) | Note 8: add reference to <i>Primrose Retirement Communities, LLC v. Edward Rose Senior Living, LLC</i> , 122 USPQ2d 1030 (TTAB 2016); appropriate subsequent parentheticals changes to “same” |

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| | <p>Note 11: add reference to <i>Performance Products Ltd. v. Weapon X Motorsports, Inc.</i>, 126 USPQ2d 1034 (TTAB 2018);</p> <p>Note 16: add reference to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i>, 126 USPQ2d 1197 (TTAB 2018); <i>Poly-America, L.P. v. Illinois Tool Works Inc.</i>, 124 USPQ2d 1508 (TTAB 2017); <i>Kohler Co. v. Honda Giken Kogyo K.K.</i>, 125 USPQ2d 1468 (TTAB 2017); <i>Apollo Medical Extrusion Technologies, Inc. v. Medical Extrusion Technologies, Inc.</i>, 123 USPQ2d 1844 (TTAB 2017); <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1028 (TTAB 2018);</p> <p>Note 17: add reference to <i>Poly-America, L.P. v. Illinois Tool Works Inc.</i>, 124 USPQ2d 1508, (TTAB 2017); <i>Azeka Bldg. Corp. v. Azeka</i>, 122 USPQ2d 1477 (TTAB 2017); <i>Luxco, Inc. v. Consejo Regulador del Tequila, A.C.</i>, 121 USPQ2d 1477 (TTAB 2017).</p> |
| 309.03(c)(1) | <p>At (4) on list of (1) – (25) add: “or for a Trademark Act § 1(b), 15 U.S.C. § 1051(b) application, within the expiration of the time for filing a statement of use.”</p> <p>Note 2, Cf. para.: add reference to <i>UVeritech, Inc. v. Amax Lighting, Inc.</i>, 115 USPQ2d 1242 (TTAB 2015).</p> <p>Note 6, See also para.: add reference to <i>Omaha Steaks International, Inc. v. Greater Omaha Packing Co.</i>, 908 F.3d 1315, 128 USPQ2d 1686 (Fed. Cir. 2018).</p> <p>Note 7, Regarding para.: add reference to <i>Converse, Inc. v. ITC</i>, 909 F.3d 1110, 128 USPQ2d 1538 (Fed. Cir. 2018); <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, (Fed. Cir. 2018); <i>Schlafty v. Saint Louis Brewery, LLC</i>, 909 F.3d 420, 128 USPQ.2d 1739 (Fed. Cir. 2018).</p> <p>Note 10: add reference to <i>Schlafty v. Saint Louis Brewery, LLC</i>, 909 F.3d 420, 128 USPQ.2d 1739 (Fed. Cir. 2018).</p> <p>Note 11: add reference to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i>, 126 USPQ2d 1197 (TTAB 2018).</p> <p>Note 13: reworded and case citations moved for conformity</p> <p>Note 14: parentheticals added to existing cases</p> <p>Note 16: add reference to <i>Aycock Engineering Inc. v. Airflite Inc.</i>, 560 F.3d 1350, 90 USPQ2d 1301 (Fed. Cir. 2009); <i>Toys, Inc. v. McDonald's Corp.</i>, 585 F.2d 1067, 199 USPQ 722 (CCPA 1978); <i>Tao Licensing, LLC v. Bender Consulting Ltd.</i>, 125 USPQ2d 1043, 1051 (TTAB 2017); <i>Ashland Licensing & Intellectual Property LLC v. Sunpoint International Group USA Corp.</i>, 119 USPQ2d 1125 (TTAB 2016); <i>Embarcadero Technologies, Inc. v. Delphix Corp.</i>, 117 USPQ2d 1518 (TTAB 2016); <i>United Global Media Group, Inc. v. Tseng</i>, 112 USPQ2d 1039 (TTAB 2014) (application void ab initio for nonuse in connection with services); <i>City National Bank v. OPGI Management GP Inc./Gestion OPGI Inc.</i>, 106 USPQ2d 1668 (TTAB 2013); <i>Grand Canyon West Ranch LLC v. Hualapai Tribe</i>, 78 USPQ2d 1696 (TTAB 2006).</p> <p>Note 25: add reference to <i>Lewis Silkin LLP v. Firebrand LLC</i>, 129 USPQ2d 1015 (TTAB 2018).</p> |

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| | <p>Note 29: add reference to <i>TiVo Brands LLC v. Tivoli, LLC</i>, 129 USPQ2d 1097 (TTAB 2018).</p> <p>Note 32: add reference to <i>Freki Corp. N.V. v. Pinnacle Entertainment, Inc.</i>, 126 USPQ2d 1697 (TTAB 2018); <i>Meckatzer Löwenbräu Benedikt Weiß KG v. White Gold LLC</i>, 95 USPQ2d 1185 (TTAB 2010); <i>Bart Schwartz International Textiles, Ltd. v. The Federal Trade Commission</i>, 289 F.2d 665, 129 USPQ 258 (CCPA 1961).</p> <p>Note 39: add reference to <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041 (Fed. Cir. 2018); <i>Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370 (Fed. Cir. 2018).</p> <p>Note 41: add reference to <i>Stawski v. Lawson</i>, 129 USPQ2d 1036 (TTAB 2018).</p> |
| 309.03(c)(2) A. Priority | <p>Note 1: add reference to <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601 (TTAB 2018); <i>Azeka Bldg. Corp. v. Azeka</i>, 122 USPQ2d 1477 (TTAB 2017); <i>Executive Coach Builders, Inc. v. SPV Coach Co.</i>, 123 USPQ2d 1175 (TTAB 2017).</p> <p>Note 2, Cf. para.: add reference to <i>Stawski v. Lawson</i>, 129 USPQ2d 1036, 1039 (TTAB 2018).</p> <p>Note 4: add reference to <i>Sun Hee Jung v. Magic Snow, LLC</i>, 124 USPQ2d 1041 (TTAB 2017); <i>Moreno v. Pro Boxing Supplies, Inc.</i>, 124 USPQ2d 1028 (TTAB 2017).</p> <p>Note 5: add reference to <i>Central Garden & Pet Co. v. Doscocil Manufacturing Co.</i>, 108 USPQ2d 1134 (TTAB 2013).</p> |
| 309.03(c)(2) B. Likelihood of Confusion | <p>Note 1: add reference to <i>Omaha Steaks International, Inc. v. Greater Omaha Packing Co.</i>, 908 F.3d 1315, 128 USPQ2d 1686 (Fed. Cir. 2018); See also para.: <i>Zheng Cai v. Diamond Hong, Inc.</i>, 901 F.3d 1367, 127 USPQ2d 1797 (Fed. Cir. 2018).</p> |
| 309.03(d) | <p>Note 14: add reference to <i>Piano Wellness, LLC v. Williams</i>, 126 USPQ2d 1739 (TTAB 2018).</p> |
| 309.04 | <p>Last para.: lines 4-5 amended to read in part: “dispose <i>of</i> all physical papers because the papers are scanned shortly after filing and appear in the <i>electronic</i> docket.” (added words in italics)</p> |
| 311.01(c) | <p>Please note: added “The notice automatically generated by ESTTA upon filing the answer does not constitute service and does not relieve a party of its obligation to serve a copy of the answer under the Trademark Rules; the filing notice and actual service of the submission are independent of one another.”</p> <p>Added new Note 8.</p> <p>Renumbered former Note 8 as Note 9.</p> <p>Notes 3, 6 and new Note 8: add reference to <i>The Coffee Studio LLC v. Reign LLC dba Coffee Studio</i>, 129 USPQ2d 1480 (TTAB 2019).</p> |
| 311.02(b) | <p>2d para., line 7: add “for a Principal Register registration”; lines 9 and 10: add “but for a Supplemental Register registration, the defenses start to run from the time of knowledge that the registration issued.”</p> <p>Note 2: add reference to <i>TiVo Brands LLC v. Tivoli, LLC</i>, 129 USPQ2d 1097(TTAB 2018); <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601 (TTAB 2018);</p> |

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| | <p>Para. With respect to estoppel: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027 (TTAB 2018);</p> <p>Para. With respect to prior judgment: add reference to <i>Sharp Kabushiki Kaisha v. ThinkSharp Inc.</i>, 448 F.3d 1368, 79 USPQ2d 1376 (Fed. Cir. 2006); <i>Freki Corp. N.V. v. Pinnacle Entertainment, Inc.</i>, 126 USPQ2d 1697 (TTAB 2018); and at the Cf.: add reference to <i>Empresa Cubana Del Tabaco v. General Cigar Co.</i>, 753 F.3d 1270, 111 USPQ2d 1058 (Fed. Cir. 2014); <i>Mini Melts, Inc. v. Reckitt Benckiser LLC</i>, 118 USPQ2d 1464, (TTAB 2016); <i>Be Sport, Inc. v. Al-Jazeera Satellite Channel</i>, 115 USPQ2d 1765 (TTAB 2015);</p> <p>Para. With respect to laches: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409 (TTAB 2018); <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601 (TTAB 2018); <i>Ava Ruha Corp. v. Mother's Nutritional Center, Inc.</i>, 113 USPQ2d 1575 (TTAB 2015);</p> <p>Para. With respect to other defenses: add reference to <i>Hu v. TJ Food Services, LLC</i>, 123 USPQ2d 1777 (TTAB 2017).</p> <p>Note 6: Note 6: Added <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409 (TTAB 2018); <i>Ava Ruha Corp. v. Mother's Nutritional Center, Inc.</i>, 113 USPQ2d 1575 (TTAB 2015); See also para.: add reference to <i>Pinkette Clothing, Inc. v. Cosmetic Warriors Ltd.</i>, 894 F.3d 1015, 127 USPQ2d 1315 (9th Cir. 2018);</p> <p>Note 7: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409 (TTAB 2018).</p> |
| 313.04 | Note 2: add reference to <i>Freki Corp. N.V. v. Pinnacle Entertainment, Inc.</i> , 126 USPQ2d 1697 (TTAB 2018). |
| 314 | Note 1: add reference to <i>Freki Corp. N.V. v. Pinnacle Entertainment, Inc.</i> , 126 USPQ2d 1697 (TTAB 2018). |
| 315 | Note 5: add reference to <i>Destileria Serralles, Inc. v. Kabushiki Kaisha Donq</i> , 125 USPQ2d 1463 (TTAB 2017). |
| 318 | Note 1: add reference to <i>PPG Industries Inc. v. Guardian Industries Corp.</i> , 73 USPQ2d 1926 (TTAB 2005). |
| | CHAPTER 400 |
| 403.03 | Note 4: add reference to <i>Trans-High Corp. v. JFC Tobacco Corp.</i> , 127 USPQ2d 1175, 1176 (TTAB 2018) |
| 403.04 | Note 8: add reference to <i>Trans-High Corp. v. JFC Tobacco Corp.</i> , 127 USPQ2d 1175, 1176 (TTAB 2018) |
| 408.01 | Note 2: add reference to <i>SFM, LLC v. Corcamore, LLC</i> , 129 USPQ2d 1072, 1078 (TTAB 2018) |
| 411.05 | <p>New [Note 3]; renumber remaining notes</p> <p>New Note 3: add reference to <i>SFM, LLC v. Corcamore, LLC</i>, 129 USPQ2d 1072, 1074 (TTAB 2018)</p> <p>Note 5: add reference to <i>SFM, LLC v. Corcamore, LLC</i>, 129 USPQ2d 1072, 1074 (TTAB 2018)</p> |
| 412.01(c) | Note 15: add reference to <i>Kohler Co. v. Honda Giken Kogyo K.K.</i> , 125 USPQ2d 1468, 1476 (TTAB 2017) |

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| 414 | Note 31: add reference to <i>Converse, Inc. v. ITC</i> , 909 F.3d 1110, 128 USPQ2d 1538, 1547 (Fed. Cir. 2018); <i>Coach Services, Inc. v. Triumph Learning LLC</i> , 668 F.3d 1356, 101 USPQ2d 1713, 1730 (Fed. Cir. 2012) |
| | CHAPTER 500 |
| 502.02(b) | 4th para.: new [Note 7], remaining notes renumbered New Note 7: add reference to <i>McDonald's Corp. v. Cambridge Overseas Development Inc.</i> , 106 USPQ2d 1339, 1340 (TTAB 2013) |
| 509.01(a) | Note 4: add reference to <i>Trans-High Corp. v. JFC Tobacco Corp.</i> , 127 USPQ2d 1175, 1176-77 (TTAB 2018) |
| 510.02(a) | 6th para.: new [Note 14], remaining notes renumbered Note 2: add reference to <i>Piano Wellness, LLC v. Williams</i> , 126 USPQ2d 1739, 1741 (TTAB 2018) New Note 14: add reference to <i>Tigercat International, Inc. v. Caterpillar, Inc.</i> , 127 USPQ2d 1132 (D. Del. 2018) |
| 510.02(b) | 2d para.: new final sentences emphasizing that a case is not finally determined until all avenues of appeal, including US Supreme Court, have expired. |
| 518 | Note 7: add reference to <i>Asustek Computer Inc. v. Chengdu Westhouse Interactive Entertainment Co.</i> , 128 USPQ2d 1470 (TTAB 2018) |
| 523.03 | Note 4: add reference to <i>Asustek Computer Inc. v. Chengdu Westhouse Interactive Entertainment Co.</i> , 128 USPQ2d 1470 (TTAB 2018) |
| 524.03 | Note 1: add reference to <i>Asustek Computer Inc. v. Chengdu Westhouse Interactive Entertainment Co.</i> , 128 USPQ2d 1470 (TTAB 2018) |
| 527.01(a) | Note 1: add reference to <i>SFM, LLC v. Corcamore, LLC</i> , 129 USPQ2d 1072, 1075-79 (TTAB 2018) |
| 528.06 | 6th para.: new [Note 8], remaining notes renumbered New note 8: add reference to <i>McDonald's Corp. v. Cambridge Overseas Development Inc.</i> , 106 USPQ2d 1339, 1340 (TTAB 2013) |
| 533.02(b) | Note 10: add reference to <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1102-04 (TTAB 2018) |
| 536 | 5th para.: slightly rewritten for clarity |
| 541.01 | 1st para.: restructured for clarity |
| | CHAPTER 600 |
| 605.03(d) | Note 1: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i> , 129 USPQ2d 1027, 1036 (TTAB 2018) |
| | CHAPTER 700 |
| 702.01 | Notes 1, 4, 5, 6, 17, 18: add reference to <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1103 (TTAB 2018) |
| 702.02 | Add 37 C.F.R. § 2.120(k)(7) 2d para., 3d sentence: add “testimony” to identify the type of deposition, affidavit or declaration Note 1: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i> , 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018) |

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| | <p>Note 2: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1030 n.29 (TTAB 2018)</p> <p>Note 3: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786, 1787 n.5 (TTAB 2018) and <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i>, 126 USPQ2d 1034, 1038 (TTAB 2018)</p> |
| 702.03 | Note 5 add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) |
| 702.04(a) | <p>1st para.: following [Note 2], add new sentence, new [Note 3]</p> <p>2d para.: add new final sentence, new [Note 4], renumber remaining notes</p> <p>9th para.: add new final sentence, ne [Note 10], renumber remaining notes</p> <p>Note 1: add reference to <i>Stawski v. Lawson</i>, 129 USPQ2d 1036, 1039 (TTAB 2018); <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786, 1787 (TTAB 2018); <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601, 1602 (TTAB 2018); <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1411 (TTAB 2018)</p> <p>Note 2: add reference to <i>Stawski v. Lawson</i>, 129 USPQ2d 1036, 1039-40 (TTAB 2018)</p> <p>New Note 3: add reference to <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601, 1602 n.3 (TTAB 2018)</p> <p>New Note 4: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1412 (TTAB 2018)</p> <p>Renumbered Note 6: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786, 1787 (TTAB 2018)</p> <p>New Note 10: add reference to <i>S tawski v. Lawson</i>, 129 USPQ2d 1036, 1038 (TTAB 2018)</p> |
| 702.04(b) | <p>2d para.: delete [Note 1], renumber remaining notes, new final sentence, new [Note 4], renumber remaining notes</p> <p>Note 1: deleted</p> <p>Renumbered Note 1: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1411 (TTAB 2018)</p> <p>Renumbered Note 2: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1411 (TTAB 2018)</p> <p>New Note 4: add reference to <i>Kemi Organics, LLC v. Gupta</i>, 126 USPQ2d 1601, 1602 n.3 (TTAB 2018)</p> <p>Renumbered Note 9: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1411 (TTAB 2018)</p> |
| 703.01(a) | <p>3rd para., first sentence: slightly reworded for clarity</p> <p>Note 3: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1030 n.29 (TTAB 2018) and 37 C.F.R. § 2.120(k)(7)</p> |
| 703.01(b) | <p>37 C.F.R. § 2.123(b): remove 2d word “deposition”</p> <p>Note 3: add reference to <i>Kate Spade LLC v. Thatch, LLC</i>, 126 USPQ2d 1098, 1102 (TTAB 2018); <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786, 1790, 1790 n.16 (TTAB 2018); <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1786, 1790 n.18 (TTAB 2018); <i>WeaponX Performance Products . Ltd. v. Weapon X Motorsports, Inc.</i>, 126 USPQ2d 1034, 1037 (TTAB 2018)</p> |

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| | Note 4: add reference to <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1104 n.9 (TTAB 2018) |
| 703.01(e) | 6th para.: new [Note 7], remaining notes renumbered New Note 7: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) Renumbered Note 9: add reference to <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1110 (TTAB 2018) |
| 703.01(h) | Fed. R. Civ. P. 30(b)(4): add title By Remote Means Note 1: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790 (TTAB 2018); <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790 n.18 (TTAB 2018) Note 2: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790 (TTAB 2018); <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790 n.18 (TTAB 2018) Note 9: add reference to <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1102 (TTAB 2018); <i>T V Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790, 1790 n.16 (TTAB 2018); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) Note 11: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) |
| 703.01(i) | 9th para., 1st sentence: instructional clause added Note 8: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i> , 129 USPQ2d 1027, 1030 n.33 (TTAB 2018) |
| 703.01(j) | 1st para.: new final sentence added |
| 703.01(k) | 2d para: [Note 3] deleted, remaining notes renumbered; new sentence added after renumbered [Note 3] 3rd para.: new final sentence, new [Note 8] New 5th para. Note 3: deleted Renumbered Note 3: add reference to <i>G rote Indus tries , Inc. v. Truck-Lite Co ., LLC</i> 126 USPQ2d 1197, 1201 (TTAB 2018) Renumbered Note 4: add reference to 37 C.F.R. § 2.125(b) and 37 C.F.R. § 2.122(e); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037, 1037-38 n.12 (TTAB 2018) Renumbered Note 7: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) New Note 8: add reference to 37 C.F.R. § 2.125(a) and 37 C.F.R. § 2.122(e); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) |
| 703.01(l) | Note 3: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) |
| 704.01 | 2d sentence slightly reworded |
| 704.02 | 1st para.: 1st sentence slightly reworded; new second sentence; new [Note 1], remaining notes renumbered |

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| | New Note 1: add reference to 37 C.F.R. § 2.122(d)(2), 37 C.F.R. § 2.122(e)(1), 37 C.F.R. § 2.122(e)(2), and 37 C.F.R. § 2.120(k); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037-38 n.12 (TTAB 2018) |
| 704.03(a) | Note 1: add reference to <i>Yazhong Investing Ltd. v. Multi-Media Tech. Ventures, Ltd.</i> , 126 USPQ2d 1526, 1530 n.10 (TTAB 2018) and <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1040 (TTAB 2018) |
| 704.03(b)(1)(A) | Note 24: add reference to <i>Kemi Organics, LLC v. Gupta</i> , 126 USPQ2d 1601, 1606 (TTAB 2018) |
| 704.03(b)(1)(B) | Note 8, 2d para.: add reference to <i>Tivo Brands, LLC v. Tivoli, LLC</i> , 129 USPQ2d 1097, 1117 (TTAB 2018) |
| 704.03(b)(2) | 2d para.: new [Note 3], remaining notes renumbered New Note 3: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1040 (TTAB 2018) Renumbered Note 4: add reference to <i>Kemi Organics, LLC v. Gupta</i> , 126 USPQ2d 1601, 1606 (TTAB 2018) |
| 704.04 | Note 3: add reference to <i>Nike Inc. v. WNBA Enterprises LLC</i> , 85 USPQ2d 1187, 1193 n.8 (TTAB 2007) Note 7, 2d para.: add reference to <i>TiVo Brands LLC v. Tivoli, LLC</i> , 129 USPQ2d 1097, 1102 n.38 (TTAB 2018) |
| 704.06(b) | New [Note 1], renumber remaining notes New Note 1: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i> , 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018); <i>In re Simulations Publns, Inc.</i> , 521 F.2d 797, 798, 187 USPQ 147, 148 (CCPA 1975); <i>Enzo Biochem, Inc. v. Gen-Probe Inc.</i> , 424 F.3d 1276, 76 USPQ2d 1616, 1622 (Fed. Cir. 2005) Note 2, 2d para.: delete reference to <i>In re Simulations Publns, Inc.</i> , 521 F.2d 797, 798, 187 USPQ 147, 148 (CCPA 1975) |
| 704.07 | Note 9: move <i>Colt Industries Operating Corp. v. Olivetti Controllo Numerico S.p.A.</i> , 221 USPQ 73, 74 n.2 (TTAB 1983) |
| 704.08(a) | 9th para.: new instructional clause added Note 6: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790-91 (TTAB 2018) |
| 704.08(b) | 1st para.: new final sentence, new [Note 3], remaining notes renumbered 4th para.: new [Note 6] and [Note 7], remaining notes renumbered New final para.: new [Note 11] and [Note 12] New Note 3: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790 n.14 (TTAB 2018) New Note 6: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790-91 (TTAB 2018); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1038 and 1040-41 (TTAB 2018); <i>Couch/Braunsdorf Affinity, Inc. v. 12 Interactive, LLC</i> , 110 USPQ2d 1458, 1467 n.30 (TTAB 2014) |

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| | <p>New Note 7: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i>, 126 USPQ2d 1034, 1038 and 1040-41 (TTAB 2018)</p> <p>Renumbered Note 10: add reference to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i>, 126 USPQ2d 1034, 1038 (TTAB 2018)</p> <p>New Note 11: add reference to 37 C.F.R. § 2.126(a)(2); MISCELLANEOUS CHANGES TO TRADEMARK TRIAL AND APPEAL BOARD RULES, 81 Fed. Reg. 69950, 69952 (October 7, 2016); <i>RxD Media, LLC v. IP Application Development LLC</i>, 125 USPQ2d 1801, 1806 n.16 (TTAB 2018); <i>Alcatraz Media, Inc. v. Chesapeake Marine Tours, Inc.</i>, 107 USPQ2d 1750, 1753 n.6 (TTAB 2013); <i>Weider Publications, LLC v. D&D Beauty Care Co.</i>, 109 USPQ2d 1347, 1351-52 (TTAB 2014)</p> <p>New Note 12: add reference to <i>Luxco, Inc. v. Consejo Regulador del Tequila, A.C.</i>, 121 USPQ2d 1477, 1506 n.185 (TTAB 2017)</p> |
| 704.09` | <p>Note 4: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1030 n.33 (TTAB 2018)</p> <p>Note 5: add reference to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i>, 126 USPQ2d 1197, 1201 (TTAB 2018)</p> <p>Note 9: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1030 n.29 (TTAB 2018)</p> |
| 704.10 | Note 14: add reference to <i>Tivo Brands, LLC v. Tivoli, LLC</i> , 129 USPQ2d 1097, 1101 n.14 (TTAB 2018) |
| 704.12(a) | Notes 1 & 2: add reference to <i>Omaha Steaks International, Inc. v. Greater Omaha Packing Co., Inc.</i> , 908 F.3d 1315, 128 USPQ2d 1686, 1693 (Fed. Cir. 2018) |
| 704.12(b) | Note 1: add reference to <i>Omaha Steaks International, Inc. v. Greater Omaha Packing Co., Inc.</i> , 908 F.3d 1315, 128 USPQ2d 1686, 1693 (Fed. Cir. 2018) |
| 704.14 | <p>Notes 1 & 8: add reference to <i>TV Azteca, S.A.B. de C.V. v. Martin</i>, 128 USPQ2d 1788 n.5 (TTAB 2018)</p> <p>Note 7: add reference to <i>Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC</i>, 129 USPQ2d 1027, 1030 n.29 (TTAB 2018)</p> |
| 705 | <p>3rd para.: new sentence following [Note 6], new [Note 7]</p> <p>New Note 7: add reference to <i>TPI Holdings, Inc. v. TrailerTrader.com, LLC</i>, 126 USPQ2d 1409, 1412 (TTAB 2018)</p> |
| 706 | Note 1: add reference to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i> , 126 USPQ2d 1197, 1200 (TTAB 2019) |
| 707.01 | <p>3d para., 1st sentence: slightly reworded, new [Note 4], remaining notes renumbered</p> <p>New 4th & 5th paras., new [Note 6]</p> <p>New Note 4: reference added to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1378 (Fed. Cir. 2018)</p> <p>Renumbered Note 5: reference added to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i>, 126 USPQ2d 1197, 1200 (TTAB 2018)</p> <p>New Note 6: reference added to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i>, 126 USPQ2d 1197, 1199 (TTAB 2018); <i>Productos Lacteos Tocumbo</i></p> |

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| | <i>S.A. de C.V. v. Paleteria La Michoacana Inc.</i> , 98 USPQ2d 1921, 1927 (TTAB 2011); <i>Kohler Co. v. Baldwin Hardware Corp.</i> , 82 USPQ2d 1100, 1104 (TTAB 2007) |
| 707.02(b) | Note 1: reference added to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i> , 126 USPQ2d 1197, 1199 (TTAB 2018) |
| 707.02(b)(2) | Note 2: reference added to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018) |
| 707.03(b)(3) | Notes 1 & 5: reference added to <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018); <i>Kate Spade LLC v. Thatch, LLC</i> , 126 USPQ2d 1098, 1099-1104 (TTAB 2018) |
| 707.03(c) | Note 15: reference added to <i>T V Azteca, S.A.B. de C.V. v. Martin</i> , 128 USPQ2d 1786, 1790-91 (TTAB 2018); <i>WeaponX Performance Products Ltd. v. Weapon X Motorsports, Inc.</i> , 126 USPQ2d 1034, 1037 (TTAB 2018); reference deleted: <i>Barclays Capital Inc. v. Tiger Lily Ventures Ltd.</i> , 124 USPQ2d 1160, 1167 (TTAB 2017) |
| 707.04 | Note 1: reference added to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i> , 126 USPQ2d 1197, 1199-1200, 1207 n.28 (TTAB 2018) Note 7: reference added to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i> , 126 USPQ2d 1197, 1207 n.28 (TTAB 2018) |
| CHAPTER 800 | |
| 801.01 | Note 5: add reference to <i>Converse, Inc. v. International Trade Commission</i> , 907 F.3d 1361, 128 USPQ2d 1538, 1544 (Fed. Cir. 2018) |
| 801.02(b) | Note 1: add reference to <i>Yazhong Investing Ltd. v. Multi-Media Tech. Ventures, Ltd.</i> , 126 USPQ2d 1526, 1531 n.13 (TTAB 2018) |
| 801.02(c) | 3rd para.: new, new [Note 3] New Note 3: add reference to <i>Grote Industries, Inc. v. Truck-Lite Co., LLC</i> , 126 USPQ2d 1197, 1199 (TTAB 2018); <i>Productos Lacteos Tocumbo S.A. de C.V. v. Paleteria La Michoacana Inc.</i> , 98 USPQ2d 1921, 1928 (TTAB 2011); <i>Kohler Co. v. Baldwin Hardware Corp.</i> |
| 801.02(d) | Add new [Note 1] & [Note 2], renumber remaining note New Note 1: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i> , 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018) New Note 2: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i> , 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018) |
| 801.02(e) | 1st & 2d paras.: slightly reworded |
| 801.05 | New [Note 1] Note 1: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i> , 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018) |
| 802.02 | 1st para.: add clarifying phrase “if the information was not provided in the request” |
| 802.03 | Restructured subsection now also has new subsections 802.03(a) and 802.03(b) 1st para.: add parenthetical with suggested time frame for proposed oral hearing dates; recommendation when to provide information to TTAB |

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| | 2d para.: information about video conference request deleted and moved to new subsection 802.03(b); [Note 2] also deleted and information moved; remaining notes renumbered 5th & 6th paras.: information about rescheduling an oral hearing deleted and moved to new subsection 802.03(a) |
| 802.03(a) | New subsection: Rescheduling an Oral Hearing Information and notes about rescheduling an oral hearing moved from 802.03 to this new subsection |
| 802.03(b) | New subsection: Attendance by Video Connection Information and notes about attending an oral hearing by video conference moved from 802.03 to this new subsection |
| 802.04 | 1st para.: 1st sentence slightly reworded; [Note 1] deleted but references remain as part of renumbering of notes in NOTES section; remaining notes renumbered Note 1: add reference to MISCELLANEOUS CHANGES TO TRADEMARK TRIAL AND APPEAL BOARD RULES, 81 Fed. Reg. 69950, 69967 (Oct. 7, 2016) Note 2: deleted; remaining notes renumbered |
| 803 | Note 2: add reference to <i>Yazhong Investing Ltd. v. Multi-Media Tech. Ventures, Ltd.</i> , 126 USPQ2d 1526, 1540 n.52 (TTAB 2018) |
| 806 | 2d para.: delete point (8); delete [Note 2]; renumber remaining notes 3rd para.: slightly modified to reflect deletion of (8) |
| 807 | Restructured section now has new subsections 807.01 and 807.02 1st para.: 1st sentence now has information expressly identifying 3 places in the TTABVue record that are populated with the term TERMINATED when the proceeding is terminated; [Note 2] deleted 2d-6th paras.: moved to new subsection 807.02 Note 2: deleted Notes 3-6 moved to new subsections as appropriate |
| 807.01 | New subsection: Abandoned Applications and Registrations Entirely Cancelled Previous Note 3 becomes Note 1 for this subsection |
| 807.02 | New subsection: Applications Not Abandoned and Registrations Not Cancelled 1st, 2d & 4th paras: information moved to form new subsection 3rd para.: newly added information |
| CHAPTER 900 | |
| 901.02(b) | Note 3: add reference to <i>RxD Media, LLC v. I3: P Application Development LLC</i> , 125 USPQ2d 1801, 1816 (TTAB 2018) |
| 902.01 | New final paragraph: effective date of Federal Circuit court's amendments to its rules of practice |
| 902.02 | Note 1: add reference to <i>RxD Media, LLC v. I3: P Application Development LLC</i> , 125 USPQ2d 1801, 1816 (TTAB 2018) |
| 902.06 | 1st para., last sentence: change "mails" to "sends" 2d para.: modified and updated |

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| 903.01 | 1st para.: information about time to notify the Board updated from 1 month to 5 days |
| 903.04 | Note 1: add reference to <i>RxD Media, LLC v. IP Application Development LLC</i> , 125 USPQ2d 1801, 1816 (TTAB 2018) |
| 903.07 | Note 1: add reference to <i>NantKwest v. Iancu</i> , 898 F.3d 1177, 127 USPQ2d 1497 (Fed. Cir. 2018) |
| 905 | 37 C.F.R. § 2.146 updated to current version 4th, 6th & 8th paras.: updated to reflect current 37 C.F.R. § 2.146 |
| 906.01 | <p>“Conclusions of Law” subsection, 2d para.: updated to include an additional example of legal conclusions receiving de novo review</p> <p>Note 9: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018) and <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1044 (Fed. Cir. 2018); references to <i>Aycock Engineering Inc. v. Airflite Inc.</i>, 560 F.3d 1350, 90 USPQ2d 1301, 1304 (Fed. Cir. 2009) and <i>On-line Careline Inc. v. America Online Inc.</i>, 229 F.3d 1080, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000) moved to Note 11</p> <p>Note 11: add reference to <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1044 (Fed. Cir. 2018); reference to <i>Aycock Engineering Inc. v. Airflite Inc.</i>, 560 F.3d 1350, 90 USPQ2d 1301, 1304 (Fed. Cir. 2009) and <i>On-line Careline Inc. v. America Online Inc.</i>, 229 F.3d 1080, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000) moved from Note 9</p> <p>Note 15: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018)</p> <p>Note 16: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018) and <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1044 (Fed. Cir. 2018); remove reference to <i>Princeton Vanguard, LLC v. Frito-Lay North America, Inc.</i>, 786 F.3d 960, 114 USPQ2d 1827, 1829 (Fed. Cir. 2015)</p> <p>Note 19: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018)</p> <p>Note 21: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018) and <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1044 (Fed. Cir. 2018); remove reference to <i>Princeton Vanguard, LLC v. Frito-Lay North America, Inc.</i>, 786 F.3d 960, 114 USPQ2d 1827, 1829 (Fed. Cir. 2015)</p> <p>Note 24: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018)</p> <p>Note 26: add reference to <i>Real Foods Pty Ltd. v. Frito-Lay North America, Inc.</i>, 906 F.3d 965, 128 USPQ2d 1370, 1372 (Fed. Cir. 2018) and <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1044 (Fed. Cir. 2018); remove reference to <i>Princeton Vanguard, LLC v. Frito-Lay North America, Inc.</i>, 786 F.3d 960, 114 USPQ2d 1827, 1829 (Fed. Cir. 2015)</p> |

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| | <p>Note 27: add reference to <i>Royal Crown Co. v. Coca-Cola Co.</i>, 892 F.3d 1358, 127 USPQ2d 1041, 1049 (Fed. Cir. 2018)</p> <p>Note 30: add reference to <i>Zheng Cai v. Diamond Hong, Inc.</i>, 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018)</p> <p>Note 31: add reference to <i>In re FCA US LLC</i>, 126 USPQ2d 1214, 1215-19 (TTAB 2018)</p> |
| | CHAPTER 1000 |
| 1001 | <p>Added quoted text of 37 C.F.R. § 2.146 at beginning of section; deleted quoted text of 37 C.F.R. § 2.91 at beginning of section.</p> <p>Note 4: deleted reference to 37 C.F.R. § 2.91, added reference to 37 C.F.R. §§ 2.146(a)(4) and (c)</p> |
| 1002 | <p>Added quoted text of 37 C.F.R. § 2.146 at beginning of section; deleted quoted text of 37 C.F.R. § 2.91 at beginning of section</p> <p>Added “Please note” regarding deletion of regulations concerning trademark interferences.</p> <p>New [notes 8 and 9].</p> <p>Notes 1 & 2: added TMEP § 1208.03(b) and TMEP § 1507; deleted reference to 37 C.F.R. § 2.91(a)</p> <p>Note 3: added TMEP § 1507.</p> <p>Note 4: deleted reference to 37 C.F.R. § 2.91(b)</p> <p>Note 6: deleted reference to 37 C.F.R. § 2.96.</p> <p>New Notes 8 & 9: referencing the federal register notice deleting the regulations for interferences.</p> |
| 1003 | <p>Deleted quoted text of 37 C.F.R. § 2.92 and 37 C.F.R. § 2.93 at beginning of section.</p> <p>5th para.: added reference to TBMP § 302</p> <p>Note 1: deleted reference to 37 C.F.R. § 2.92.</p> <p>Notes 3 & 4: deleted the reference to 37 C.F.R. § 2.93, Cf. to 37 C.F.R. § 2.99(c) added.</p> <p>Existing Note 5: deleted; numbering of existing Note 6 changed to Note 5.</p> |
| 1004 | <p>Deleted quoted text at beginning of section referencing 37 C.F.R. § 2.96.</p> <p>Note 1: deleted reference to 37 C.F.R. § 2.96.</p> |
| 1005 | <p>Deleted quoted text at beginning of section referencing 37 C.F.R. § 2.96.</p> <p>1st para.: added reference to TBMP § 1108 at end</p> <p>Notes 1 & 2: deleted reference to 37 C.F.R. § 2.96;</p> <p>Note 1: added Cf. reference to 37 C.F.R. § 2.99(e).</p> |
| 1006 | <p>Deleted quoted text at beginning of section referencing 37 C.F.R. § 2.98</p> <p>1st para.: deleted reference to 37 C.F.R. § 2.98 and changed to 37 C.F.R. § 2.146(a)(4).</p> |
| | CHAPTER 1100 |
| 1103.01(b) | <p>Note 2: add reference to <i>Stawski v. Lawson</i>, 129 USPQ2d 1036 (TTAB 2018)</p> |
| | CHAPTER 1200 |
| 1201.01 | <p>Note 6: add reference to <i>In re Peace Love World Live, LLC</i>, 127 USPQ2d 1400, 1401 (TTAB 2018)</p> |

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| 1201.02 | 6th para.: slightly reworded for clarity |
| 1201.05 | 37 C.F.R. § 2.63(b): title added |
| 1202.02 | Last para.: slightly reworded to clarify options |
| 1203 | 1st para.: added a suggestion to check due date for maintenance documents |
| 1203.01 | 2d para., 2d sentence after [Note 4] added: Board may allow time for a conforming brief to be filed 3d para.: new, with new [Note 6]; remaining notes renumbered 9th para.: deleted and included as part of new 3rd para. New Note 6: add reference to <i>In re Mecca Grade Growers, LLC</i> , 125 USPQ2d 1950, 1952 (TTAB 2018) Original Note 15: deleted; reference to <i>In re Mecca Grade Growers, LLC</i> moved to new Note 6 |
| 1203.02(b) | Note 7: reference added to <i>In re Peace Love World Live, LLC</i> , 127 USPQ2d 1400, 1401 (TTAB 2018) |
| 1203.02(e) | 2d para, last sentence change “will” to “may” |
| 1203.02(f) | Note 2: add reference to <i>In re Society of Health and Physical Educators</i> , 127 USPQ2d 1584, 1587 n.7 (TTAB 2018) |
| 1203.02(g) | Last sentence, add clarification Note 2: add reference to <i>In re S. Malhotra & Co.</i> , 128 USPQ2d 1100, 1102 n.3 (TTAB 2018) |
| 1204 | 3rd para.: add clarifying language 10th para.: sentence following [Note 14] added |
| 1205.07 | Note 9: add reference to <i>In re S. Malhotra & Co.</i> , 128 USPQ2d 1100, 1102 n.3 (TTAB 2018) |
| 1207.02 | New last para. Note 1: add reference to <i>In re I-Coat Co.</i> , 126 USPQ2d 1730, 1734 n.15 (TTAB 2018) |
| 1207.04 | 1st para.: new last sentence; new [Note 2], remaining notes renumbered New Note 2: add reference to TMEP § 715.04(b) |
| 1208 | 3rd para.: new final sentence, new [Note 8], remaining notes renumbered Notes 1 & 4: add reference to <i>In re Canine Caviar Pet Foods, Inc.</i> , 126 USPQ2d 1590, 1597 (TTAB 2018) New Note 8: add reference to <i>In re American Cruise Lines, Inc.</i> , 128 USPQ2d 1157, 1159-60 (TTAB 2018), <i>In re Farrenkopf</i> , 713 F.2d 714, 219 USPQ 1, 6 (Fed. Cir. 1983), and <i>In re Clarke</i> , 356 F.2d 987, 148 USPQ 665, 668 & n.3 (CCPA 1966) |
| 1208.01 | Note 1: add reference to <i>In re Adlon Brand Gmbh & Co.</i> , 120 USPQ2d 1717, 1720-21 (TTAB 2016) Note 5: rewrite parenthetical to <i>In re Kysela Pere et Fils Ltd.</i> , 98 USPQ2d 1261, 1265 n.9 (TTAB 2011) |
| 1208.02 | Notes 12, 14, 15: add reference to <i>In re Wal-Mart Stores, Inc.</i> , 129 USPQ2d 1148, 1159 (TTAB 2019) |
| 1208.03 | 1st para.: rewritten, new [Note 1] and [Note 2] 2d para.: new, new [Note 3], remaining notes renumbered 3rd para.: new, new [Notes 5-7], remaining notes renumbered |

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| | <p>4th para.: new [Note 10], remaining notes renumbered</p> <p>8th para.: new first sentence, remainder of para. slightly rewritten, new [Note 25], remaining notes renumbered</p> <p>New Note 1: add reference to <i>In re I-Coat Co.</i>, 126 USPQ2d 1730, 1733 (TTAB 2018)</p> <p>New Note 2: add reference to <i>In re I-Coat Co.</i>, 126 USPQ2d 1730, 1733 (TTAB 2018), <i>In re Canine Caviar Pet Foods, Inc.</i>, 126 USPQ2d 1590, 1593 (TTAB 2018), <i>In re Mueller Sports Medicine, Inc.</i>, 126 USPQ2d 1584, 1586-87 (TTAB 2018)</p> <p>New Note 3: add reference to <i>In re I-Coat Co.</i>, 126 USPQ2d 1730, 1733 n.14 (TTAB 2018) and TMEP § 710.01(b)</p> <p>Renumbered Note 4: add reference to <i>In re Aquitaine Wine USA, LLC</i>, 126 USPQ2d 1181, 1195 n.21 (TTAB 2018)</p> <p>New Note 5: add reference to: <i>In re I-Coat Co.</i>, 126 USPQ2d 1730, 1733 (TTAB 2018), <i>In re Mueller Sports Medicine, Inc.</i>, 126 USPQ2d 1584, 1586-87 (TTAB 2018), TMEP § 710.01(b)</p> <p>New Note 6: add reference to <i>In re Mueller Sports Medicine, Inc.</i>, 126 USPQ2d 1584, 1586 (TTAB 2018)</p> <p>New Note 7: add reference to <i>In re I-Coat Co.</i>, 126 USPQ2d 1730, 1733 (TTAB 2018), <i>In re Mueller Sports Medicine, Inc.</i>, 126 USPQ2d 1584, 1586-87 (TTAB 2018), <i>In re ActiveVideo Networks, Inc.</i>, 111 USPQ2d 1581, 1594 n.40 (TTAB 2014), <i>In re City of Houston</i>, 101 USPQ2d 1534, 1536 (TTAB 2012), <i>In re 1 st USA Realty Professionals</i>, 84 USPQ2d 1581, 1584 (TTAB 2007)</p> <p>Renumbered Note 8: add reference to <i>In re Wal-Mart Stores, Inc.</i>, 129 USPQ2d 1148, 1157 (TTAB 2019)</p> <p>New Note 10: add reference to <i>In re Mueller Sports Medicine, Inc.</i>, 126 USPQ2d 1584, 1587 n.6 (TTAB 2018), <i>In re Canine Caviar Pet Foods, Inc.</i>, 126 USPQ2d 1590, 1593-94, and 1595 n.19 (TTAB 2018)</p> <p>Renumbered Note 11: add reference to <i>In re Canine Caviar Pet Foods, Inc.</i>, 126 USPQ2d 1590, 1596 (TTAB 2018)</p> <p>Renumbered Notes 12 & 13: add reference to <i>In re i.am.symbolic, llc</i>, 127 USPQ2d 1627, 1634 n.8(TTAB 2017)</p> <p>Renumbered Notes 14 & 18: add reference to <i>In re Wal-Mart Stores, Inc.</i>, 129 USPQ2d 1148, 1156 n.38 (TTAB 2019)</p> <p>Renumbered Note 25: add reference to <i>In re i.am.symbolic, llc</i>, 127 USPQ2d 1627, 1633 n.6 (TTAB 2018); add a PLEASE NOTE – change in practice</p> <p>Renumbered Note 27: add reference to <i>In re Wal-Mart Stores, Inc.</i>, 129 USPQ2d 1148 (TTAB 2019)</p> <p>Renumbered Note 30: add reference to <i>In re DePorter</i>, 129 USPQ2d 1298, 1299-1307 (TTAB 2019)</p> |
| 1208.04 | Note 3: add reference to: <i>In re S. Malhotra & Co.</i> , 128 USPQ2d 1100, 1103 n.5 (TTAB 2018) |
| 1209.04 | <p>1st para.: slightly rewritten to clarify timing and requirement</p> <p>3rd para.: last sentence, clarifying phrase added, new [Note 3], remaining notes renumbered</p> |

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| | New Note 3: add reference to TMEP § 1504.05 |
| 1213 | New (3) added acknowledging existing practice |
| 1214 | Note 1: add reference to <i>In re S. Malhotra & Co.</i> , 128 USPQ2d 1100, 1102 (TTAB 2018) |
| 1215 | New last para. added, new [Note 6] Note 1: add reference to <i>In re SnoWizard, Inc.</i> , 129 USPQ2d 1001, 1002 n.3 (TTAB 2018) and <i>In re American Cruise Lines, Inc.</i> , 128 USPQ2d 1157, 1157 n.1 (TTAB 2018) New Note 6: add reference to <i>In re Mecca Grade Growers, LLC</i> , 125 USPQ2d 1950, 1952 (TTAB 2018) |
| 1216 | 1st para.: 1st sentence slightly reworded for clarity 3rd & 4th paras.: additional information provided about requesting attendance at a hearing by video conference 5th para: sentence following [Note 5] provides time frame |
| 1217 | Note 1: add reference to <i>In re Peace Love World Live, LLC</i> , 127 USPQ2d 1400, 1401-02 (TTAB 2018) Note 11: add reference to <i>In re Forney Industries, Inc.</i> , 127 USPQ2d 1787, 1788 n.3 (TTAB 2018) |
| 1218 | Note 4: add reference to <i>In re Guild Mortgage Co.</i> , 912 F.3d 1376, 129 USPQ2d 1160, 1162-63 (Fed. Cir. 2019) and <i>In re Forney Industries, Inc.</i> , 127 USPQ2d 1787, 1788 n.3 (TTAB 2018) |
| 1220 | New: Termination of Appeal – provides guidelines addressing when the Board will terminate the ex parte appeal after it has issued its decision |