



Trademark Trial and Appeal Board

New Standard Protective Order

Effective June 24, 2016, the Board's revised standard protective order will be applicable to all then-pending TTAB inter partes proceedings, with some exceptions (see below), as well as all Board proceedings instituted on or after the effective date.

With respect to proceedings pending on June 24, 2016:

To the extent parties have already designated information/documents as confidential pursuant to the tiers of confidentiality under the Board's former standard protective order in any pending TTAB inter partes proceeding, those designations will remain in effect, unless the parties stipulate otherwise. Moreover, the former standard order shall apply to that case for the remainder of the proceeding, unless the parties stipulate otherwise.

Similarly, to the extent the Board has already approved a stipulation to modify the Board's former standard protective order, or enter a substitute for it, in a pending TTAB proceeding, the approved modification or substitute will remain in effect for that proceeding, unless the parties stipulate otherwise.

If the parties have yet to designate information/documents as confidential or do not anticipate exchanging any discovery until on or after the effective date of the Board's revised standard protective order, i.e., June 24, 2016, the parties should familiarize themselves with the terms of the Board's revised standard protective order when contemplating their discovery needs, since that order will apply unless the parties stipulate to an alternative.