

APPENDIX OF FORMS

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APPENDIX A

Certificate of Mailing Suggested Format

Certificate of Mailing

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
First-class mail in an envelope addressed to:

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on _____
Date Signature

Typed or printed name of
person signing certificate

APPENDIX B

Certificate of Transmission Suggested Format

Certificate of Transmission

I hereby certify that this correspondence
is being facsimile transmitted to the
United States Patent and Trademark
Office

on _____
Date Signature

Typed or printed name of
person signing certificate

APPENDIX C

Certificate of Service Suggested Format

Shown below is a suggested format for a certificate of service:

I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party).

APPENDIX D

Designation of Domestic Representative

Designation of Domestic Representative

(Name of Domestic Representative), whose postal address is _____

_____,
is hereby designated (Name of Designating Party)'s representative upon whom notice or process in this proceeding may be served.

(Signature of Designating Party)

(Identification of Person Signing)

(Date of Signature)

APPENDIX E

Sample Trial Order -- Standard

Time to Answer	10/1/2010
Deadline for Discovery Conference	10/31/2010
Discovery Opens	10/31/2010
Initial Disclosures Due	11/30/2010
Expert Disclosures Due	3/30/2011
Discovery Closes	4/29/2011
Plaintiff's Pretrial Disclosures Due	6/13/2011
Plaintiff's 30-day Trial Period Ends	7/28/2011
Defendant's Pretrial Disclosures Due	8/12/2011
Defendant's 30-day Trial Period Ends	9/26/2011
Plaintiff's Rebuttal Disclosures Due	10/11/2011
Plaintiff's 15-day Rebuttal Period Ends	11/10/2011

APPENDIX F

Sample Trial Order and Briefing With a Counterclaim

Answer to Counterclaim Due	October 1, 2010
Deadline for Discovery Conference	October 31, 2010
Discovery Opens	October 31, 2010
Initial Disclosures Due	November 30, 2010
Expert Disclosures Due	March 30, 2011
Discovery Closes	April 29, 2011
Pretrial Disclosures Due for party in position of plaintiff in the main claim and as defendant in the counterclaim (hereinafter "PARTY A")	June 13, 2011
30-day testimony period for "PARTY A" to close (as plaintiff in the main claim)	July 28, 2011
Pretrial Disclosures Due for party in position of defendant in the main claim and as plaintiff in the counterclaim (hereinafter "PARTY B")	August 12, 2011
30-day testimony period for "PARTY B" (as plaintiff in the counterclaim and as defendant in the main claim) to close	September 26, 2011
Rebuttal Disclosures Due for "PARTY A" (as plaintiff in the main claim)	October 11, 2011
30-day testimony period for "PARTY A" (as defendant in the counterclaim) and rebuttal testimony for "PARTY A" (as plaintiff in the main claim) to close	November 25, 2011
Rebuttal Disclosures Due for "PARTY B" (as defendant in the main claim and as plaintiff in the counterclaim)	December 10, 2011
15-day rebuttal period for "PARTY B" to close	January 9, 2012
Brief for "PARTY A" due	March 9, 2012
Brief for "PARTY B" due	April 8, 2012
Brief for "PARTY A" (as defendant in the counterclaim) and reply brief, if any, for "PARTY A" (as plaintiff in the main claim) due	May 8, 2012
Reply brief, if any, for "PARTY B" due	May 23, 2012

APPENDIX G

Sample Trial Order for Interference

Set forth below is a sample trial and briefing schedule for an interference involving parties A, B, C, D, and E, where A is junior to every other party; B is junior to C, D, and E, and senior to A; C is junior to D and E, and senior to A and B; D is junior to E, and senior to A, B, and C; and E is senior to every other party:

THE PERIOD FOR DISCOVERY TO OPEN : January 2, 2003

THE PERIOD FOR DISCOVERY TO CLOSE : July 2, 2003

30-day testimony period for A to close : August 31, 2003

30-day testimony period for B to close : October 30, 2003

30-day testimony period for C to close : December 31, 2003

30-day testimony period for D to close : March 1, 2004

30-day testimony period for E to close : April 30, 2004

15-day rebuttal testimony period for
A to close : June 14, 2004

15-day rebuttal testimony period for
B to close : July 29, 2004

15-day rebuttal testimony period for
C to close : September 12, 2004

15-day rebuttal testimony period for
D to close : October 28, 2004

Briefs on final hearing (37 CFR 2.128) shall become due as follows:

Brief for A shall be due : December 27, 2004

Brief for B shall be due : January 26, 2005

Brief for C shall be due : February 25, 2005

Brief for D shall be due : March 27, 2005

Brief for E shall be due : April 26, 2005

Reply briefs, if any, shall be due as follows:

Reply brief for A shall be due : May 11, 2005

Reply brief for B shall be due : May 26, 2005

Reply brief for C shall be due : June 10, 2005

Reply brief for D shall be due : June 25, 2005

APPENDIX H

Sample Trial Orders for Concurrent Use Proceedings

Set forth below is a sample trial and briefing schedule for a concurrent use proceeding involving parties A, B, C, D, and E, where A, B, C, and D are all concurrent use applicants, A's application has the latest filing date, B's application has the next-latest filing date, C's application has the next-latest filing date, D's application has the earliest filing date, and E is a specified concurrent user which does not own an involved application or registration (the trial and briefing schedule would look the same if E were a concurrent use applicant whose application had the earliest filing date, or if E owned an involved registration):

Mailing Date	6/1/2010
Time to Answer	7/11/2010
Deadline for Discovery Conference	8/10/2010
Discovery Opens	8/10/2010
Initial Disclosures Due	9/9/2010
Expert Disclosures Due	1/7/2011
Discovery Closes	2/6/2011
A's Pretrial Disclosures Due	3/23/2011
A's 30-day Trial Period Ends	5/7/2011
B's Pretrial Disclosures Due	5/22/2011
B's 30-day Trial Period Ends	7/6/2011
C's Pretrial Disclosures Due	7/21/2011
C's 30-day Trial Period Ends	9/4/2011
D's Pretrial Disclosures Due	9/19/2011
D's 30-day Trial Period Ends	11/3/2011
E's Pretrial Disclosures Due	11/18/2011
E's 30-day Trial Period Ends	1/2/2012
A's Rebuttal Disclosures Due	1/17/2012
A's 15-day Rebuttal Period Ends	2/16/2012
B's Rebuttal Disclosures Due	3/2/2012
B's 15-day Rebuttal Period Ends	4/1/2012
C's Rebuttal Disclosures Due	4/16/2012
C's 15-day Rebuttal Period Ends	5/16/2012
D's Rebuttal Disclosures Due	5/31/2012
D's 15-day Rebuttal Period Ends	6/30/2012
Briefs on Final Hearing (37 CFR § 2.128)	
shall become due as follows:	
BRIEF FOR A is due	8/29/2012

BRIEF FOR B is due	9/28/2012
BRIEF FOR C is due	10/28/2012
BRIEF FOR D is due	11/27/2012
BRIEF FOR E is due	12/27/2012
REPLY BRIEFS, if any, shall be due as follows:	
REPLY BRIEF FOR A is due	1/11/2013
REPLY BRIEF FOR B is due	1/26/2013
REPLY BRIEF FOR C is due	2/10/2013
REPLY BRIEF FOR D is due	2/25/2013

Set forth below is another sample trial and briefing schedule for a concurrent use proceeding involving parties X, Y, and Z, where X is a concurrent use applicant, Y owns a registration which is involved in the proceeding, and Z is a specified concurrent user which does not own an involved application or registration:

Mailing Date	6/1/2010
Time to Answer	7/11/2010
Deadline for Discovery Conference	8/10/2010
Discovery Opens	8/10/2010
Initial Disclosures Due	9/9/2010
Expert Disclosures Due	1/7/2011
Discovery Closes	2/6/2011
X's Pretrial Disclosures Due	3/23/2011
X's 30-day Trial Period Ends	5/7/2011
Y's Pretrial Disclosures Due	5/22/2011
Y's 30-day Trial Period Ends	7/6/2011
Z's Pretrial Disclosures Due	7/21/2011
Z's 30-day Trial Period Ends	9/4/2011
X's Rebuttal Disclosures Due	9/19/2011
X's 15-day Rebuttal Period Ends	10/19/2011
Briefs on Final Hearing (37 CFR § 2.128)	
shall become due as follows:	
BRIEF FOR X is due	12/18/2011

BRIEF FOR Y is due	1/17/2012
BRIEF FOR Z is due	2/16/2012
REPLY BRIEFS, if any, shall be due as follows:	
REPLY BRIEF FOR X is due	3/2/2012

The trial and briefing schedule set forth immediately above would look the same if Y and Z were both specified concurrent users that did not own an involved application or registration. If X, Y, and Z were all concurrent use applicants, there would be a separate testimony period and pretrial disclosure due date for each party, and X and Y would each have a separate rebuttal testimony period; each party would also be allowed time to file a brief on the case, but only X and Y would be allowed time in which to file a reply brief.

Set forth below is a sample trial and briefing schedule used where A is a concurrent use applicant, and B, C, and D are named excepted users, none of which own a registration or pending trademark application. In this case, the trial schedule is issued only after the date for answer has passed, and if a defending user fails to file an answer, it will not be included on the schedule.

Deadline for Discovery Conference	8/10/2010
Discovery Opens	8/10/2010
Initial Disclosures Due	9/9/2010
Expert Disclosures Due	1/7/2011
Discovery Closes	2/6/2011
A's Pretrial Disclosures	3/23/2011
A's 30-day Trial Period Ends	5/7/2011
B's Pretrial Disclosures	5/22/2011
B's 30-day Trial Period Ends	7/6/2011
C's Pretrial Disclosures	7/21/2011
C's 30-day Trial Period Ends	9/4/2011
D's Pretrial Disclosures	9/19/2011
D's 30-day Trial Period Ends	11/3/2011
A's Rebuttal Disclosures	11/18/2011
A's 15-day Rebuttal Period Ends	12/18/2011

With the exceptions noted above, the practices and procedures in cases commenced on or after November 1, 2007 for conducting discovery conferences, serving initial, expert, and pretrial disclosures, taking discovery, filing motions, introducing evidence, briefing the case, presenting oral arguments at final hearing, and seeking review of a decision of the Board, are essentially the same in a concurrent use proceeding as in an opposition or cancellation proceeding.

APPENDIX I

Notice of Appeal – Suggested Format

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

.....
(Name of applicant)

.....
(Serial Number of application)

.....
(Filing date of application)

.....
(Mark)

NOTICE OF APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration.

By.....
(Signature)

.....
(Identification of person signing)