

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

Third Edition  
Revision 1  
June 2012

**United States Patent and Trademark Office**

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**PREFACE TO REVISION 1 OF THE THIRD EDITION**

**In May 2011, the third edition of the Trademark Manual of Board Procedure ("TBMP") was published. It incorporated significant changes in practice before the Trademark Trial and Appeal Board ("Board") since the previous revision to the second edition was released in 2004. It also incorporated amendments to the Trademark Act, the Trademark Rules of Practice, and the Federal Rules, where applicable, and added references to precedential cases that had issued through November 15, 2010.**

**This first revision to the 2011 third edition of the TBMP includes practice updates occurring between November 15, 2010 and March 2, 2012. This revision incorporates amendments to the Trademark Act, the Trademark Rules of Practice, and the Federal Rules, where applicable. For example, the Federal Rules of Civil Procedure were amended effective December 1, 2010, after the completion date for the third edition of the TBMP. This revision further updates references to Board, Federal Circuit, and, where applicable, other federal court cases. Content additions and revisions reflect the evolution and refinement of Board practice as experienced and articulated between November 15, 2010 and March 2, 2012. The discussions of initial disclosures, expert disclosures, pretrial disclosures, and the interplay between such disclosures and discovery, may be of particular interest, now that almost five years have passed since the adoption by the Board of a modified disclosure and conferencing model, effective November 1, 2007. Also of interest may be the experiences of parties electing Accelerated Case Resolution ("ACR") or utilizing stipulations in non-ACR cases which realized efficiencies of time and cost.**

**As with previous editions, this edition is available online at the Board home page of the USPTO web site in a searchable format, which facilitates searching of its contents by users.**

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## INTRODUCTION

The primary purpose of this manual is to provide stakeholders with basic information generally useful for litigating trial 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 and incorporates amendments to the Trademark Rules of Practice, Trademark Act and Federal Rules, where applicable, as of March 2, 2012. The guidelines set forth in the manual do not have the force and effect of law. They have been developed as a matter of internal office management and are not intended to create any right or benefit, substantive or procedural, enforceable by any party against the office.

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.

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

[TBMPcomments@uspto.gov](mailto:TBMPcomments@uspto.gov), or

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The title of the manual is abbreviated as "TBMP". A citation to a section of the manual may be written as "TBMP § \_\_\_\_" (e.g. "TBMP § 110.01," "TBMP § 113.06," etc.).