

Attachment B

INDEX TO CHANGES

June 2023



TBMP Section:	Nature of Change:
	THROUGHOUT MANUAL
	Spacing, punctuation, formatting, spelling, and typographical corrections. Corrections to order of citations where appropriate in accordance with citation and manual protocols. Citations to McCarthy on Trademarks & Unfair Competition checked and year updated (2022). McCarthy is referenced in Chapters 300 and 600.¶ Citations to Wright & Miller Federal Practice and Procedure (FPP) checked and year updated (2022). FPP is 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
102.01	Note 3: under “But see” – add <i>Empresa Cubana Del Tabaco v. General Cigar Co., Inc.</i> , 2022 USPQ2d 1242, at *24 (TTAB 2022)
114.01	Note 6: add “See also” <i>In re Chestek PLLC</i> , 2022 USPQ2d 299 (TTAB 2022) (requirement for domicile address affirmed); Note 9: add “See also” TMEP § 601.01(b)
	CHAPTER 200
212.01	Para. 3: rewording of first sentence
	CHAPTER 300
303.03	New [Note 3], remaining notes renumbered. Note 3: add <i>Ahal Al-Sara Group for Trading v. American Flash, Inc.</i> , 2023 USPQ2d 79, at *4-10 (TTAB 2023) Renumbered Note 4: delete <i>Coca-Cola Co. v. Meenaxi Enterprise, Inc.</i> , 2021 USPQ2d 709, at *17-18 (TTAB 2021)
307.02(a)	Last para., last line: update to website address
309.03(b)	Note 6: <i>Cf.</i> para. – add <i>Meenaxi Enterprise, Inc. v. Coca-Cola Co.</i> , 38 F.4th 1067, 2022 USPQ2d 602 (Fed. Cir. 2022) Note 7: add <i>See also Empresa Cubana Del Tabaco v. General Cigar Co.</i> , 2022 USPQ2d 1242, at *22-23 (TTAB 2022)
309.03(c)(1)	Note 6: in <i>See also</i> section, add - <i>DC Comics v. Cellular Nerd LLC</i> , 2022 USPQ2d 1249 (TTAB 2022); <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i> , 2022 USPQ2d 1035 (TTAB 2022); <i>ARSA Distributing, Inc. v. Salud Natural Mexicana S.A. de C.V.</i> , 2022 USPQ2d 887 (TTAB 2022); <i>JNF LLC v. Harwood International Inc.</i> , 2022 USPQ2d 862 (TTAB 2022); <i>Rapid Inc. v. Hungry Marketplace, Inc.</i> , 2022 USPQ2d

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TBMP Section:	Nature of Change:
	<p>678 (TTAB 2022); <i>Made in Nature, LLC v. Pharmavite LLC</i>, 2022 USPQ2d 557 (TTAB 2022); <i>Conopco, Inc. v. Transom Symphony OpCo, LLC</i>, 2022 USPQ2d 504 (TTAB 2022); <i>Illyrian Import, Inc. v. ADOL Sh.p.k.</i>, 2022 USPQ2d 292 (TTAB 2022); delete <i>Moke America LLC v. Moke USA, LLC</i>, 2020 USPQ2d 10400 (TTAB 2020)</p> <p>Note 8: add <i>Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714 (TTAB 2022)</p> <p>Note 13: add <i>Mystery Ranch, Ltd. v. Terminal Moraine Inc.</i>, 2022 USPQ2d 1151 (TTAB 2022); <i>NPG Records, LLC v. JHO Intellectual Property Holdings LLC</i>, 2022 USPQ2d 770 (TTAB 2022)</p> <p>Note 15: For TTAB cases section – add <i>Fender Musical Instruments Corp. v. Win-D-Fender, LLC</i>, 2023 USPQ2d 61 (TTAB 2023)</p> <p>Note 19: in <i>See, e.g.</i>, section add <i>CBC Mortgage Agency v. TMRR, LLC</i>, 2022 USPQ2d 748 (TTAB 2022); in <i>See also</i> section add <i>Saber Interactive Inc. v. Oovee Ltd.</i>, 2022 USPQ2d 514 (TTAB 2022)</p> <p>Note 23: add new <i>But see</i> section - <i>In re Lizzo LLC</i>, 23 USPQ2d 139 (TTAB 2023)</p> <p>Note 25: add <i>Vans, Inc. v. Branded, LLC</i>, 2022 USPQ2d 742 (TTAB 2022)</p> <p>Note 27: add <i>Mystery Ranch, Ltd. v. Terminal Moraine Inc.</i>, 2022 USPQ2d 1151 (TTAB 2022)</p> <p>Note 30: add <i>PepsiCo, Inc. v. Arriera Foods LLC</i>, 2022 USPQ2d 856 (TTAB 2022)</p> <p>Note 33: add <i>Empresa Cubana Del Tabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242 (TTAB 2022)</p> <p>Note 34: in <i>See also</i> section – add <i>Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714 (TTAB 2022)</p> <p>Note 36: add <i>In re County of Orange</i>, 2022 USPQ2d 733 (TTAB 2022)</p> <p>Note 39: move <i>See also</i> section and add <i>In re International Fruit Genetics, LLC</i>, 2022 USPQ2d 1119 (TTAB 2022)</p>
309.03(c)(2) A.	Note 1: delete <i>Moke America LLC v. Moke USA, LLC</i> , 2020 USPQ2d 10400 (TTAB 2020)
309.03(c)(2) B.	Note 1: add <i>Monster Energy Co. v. Chun Hua Lo</i> , 2023 USPQ2d 87 (TTAB 2023)
CHAPTER 400	
404.03(a)(2)	Note 4: add <i>Vans, Inc. v. Branded, LLC</i> , 2022 USPQ2d 742, at *9 (TTAB 2022)
404.03(b)	Note 2: add <i>Salutare S.A. de C.V. v. Remedy Drinks Pty Ltd</i> , 2022 USPQ2d 16, at *8 (TTAB 2021)
404.06(b)	Note 13: add <i>But see OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *10 (TTAB 2022)
404.08(a)	Note 1: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *13-14 (TTAB 2022)
408.01	Note 3: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *13-14 (TTAB 2022)
410	Note 11: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *13-14 (TTAB 2022)

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TBMP Section:	Nature of Change:
412.01	Note 5: add <i>Revolution Jewelry Works, Inc. v. Stonebrook Jewelry, LLC</i> , 2022 USPQ2d 229 (TTAB 2022)
	CHAPTER 500
501.02	Para.: add to examples “stipulations as to the authenticity of documents” Note 1: add <i>Icon Health & Fitness, Inc. v. Eifit LLC</i> , 2022 USPQ2d 315, at *12 (TTAB 2022)
502.02(b)	Note 5: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *3-4 (TTAB 2022) Note 10: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *3-4 (TTAB 2022)
503.01	Note 5: add to “ <i>Cf.</i> ” <i>Saber Interactive Inc. v. Oovee Ltd</i> , 2022 USPQ2d 514, at *2 (TTAB 2022)
506.01	Note 2: add <i>Cf. Saber Interactive Inc. v. Oovee Ltd</i> , 2022 USPQ2d 514, at *2 (TTAB 2022)
509.01(a)	Note 4: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *13-14 (TTAB 2022)
510.02(a)	Para. 3: add examples following [Note 7]
514.02	Para. 1: add “Where parties in one proceeding have reached a settlement contingent upon entry of the proposed amendment, but the consent of the other parties in each of those other proceedings cannot be obtained, then the parties in the proceedings where consent has been obtained may seek suspension pending final determination of the other proceedings.” Following [Note 1]
514.03	Note 2: add <i>Monster Energy Co. v. Chun Hua Lo</i> , 2023 USPQ2d 87, at *8-9 (TTAB 2023) Note 6: add <i>Monster Energy Co. v. Chun Hua Lo</i> , 2023 USPQ2d 87, at *10 (TTAB 2023) Note 7: add <i>Conopco, Inc. v. Transom Symphony Opco, LLC</i> , 2022 USPQ2d 504, at *18-19 (TTAB 2022)
520	Note 3: add <i>Salutare S.A. de C.V. v. Remedy Drinks Pty Ltd</i> , 2022 USPQ2d 16, at *16-17 (TTAB 2021) Note 6: add <i>Salutare S.A. de C.V. v. Remedy Drinks Pty Ltd</i> , 2022 USPQ2d 16, at *9 (TTAB 2021)
523.01	Note 1: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *10 (TTAB 2022)
523.02	Para. 3: add new last sentence, new [Note 5], renumber remaining notes Note 2: add <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *8-9 (TTAB 2022) New Note 5: <i>OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *9 n. 32 (TTAB 2022)
526	Note 5: add <i>But see OMS Investments, Inc. v. Habit Horticulture LLC</i> , 2022 USPQ2d 1074, at *11-12 (TTAB 2022)
527.01(a)	Note 2: add <i>Revolution Jewelry Works, Inc. v. Stonebrook Jewelry, LLC</i> , 2022 USPQ2d 229 (TTAB 2022)

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TBMP Section:	Nature of Change:
	Note 6: add <i>Revolution Jewelry Works, Inc. v. Stonebrook Jewelry, LLC</i> , 2022 USPQ2d 229, at *13-14 (TTAB 2022)
528.01	Para. 3: reword sentence following [Note 6] Para. 10: delete second sentence, add longer explanation about page limit and nature of cross motions Note 7: add <i>Kimberley Kampers IP Pty Ltd v. Safiery Pty Ltd.</i> , 2022 USPQ2d 1036, at *5-6 (TTAB 2022)
528.04	Note 2: add <i>Cf. Saber Interactive Inc. v. Oovee Ltd</i> , 2022 USPQ2d 514, at *2 (TTAB 2022)
528.05(a)(2)	Restyle title to subsection Add new para. 8 and new [Note 9] New Note 9: 37 C.F.R. § 2.127(a)(1). <i>See Rasa Vineyards, LLC v. Rasavada, LLC</i> , 2022 USPQ2d 769, at *4 (TTAB 2022)
528.05(b)	Note 2: add <i>Narita Export LLC v. Adaptrend, Inc.</i> , 2022 USPQ2d 857, at *10 (TTAB 2022)
528.07(a)	Note 4: add <i>NPG Records, LLC v. JHO Intellectual Property Holdings, LLC</i> , 2022 USPQ2d 770, at *14 n. 28 (TTAB 2022)
529	Note 1: add <i>Vans, Inc. v. Branded, LLC</i> , 2022 USPQ2d 742, at *7-10 (TTAB 2022) Note 3: add <i>Vans, Inc. v. Branded, LLC</i> , 2022 USPQ2d 742, at *9 (TTAB 2022)
532	Note 3: add <i>Icon Health & Fitness, Inc. v. Eifit LLC</i> , 2022 USPQ2d 315, at * 12 (TTAB 2022) Note 4: add <i>Icon Health & Fitness, Inc. v. Eifit LLC</i> , 2022 USPQ2d 315, at *4 (TTAB 2022)
533.03	Note 6: add <i>Icon Health & Fitness, Inc. v. Eifit LLC</i> , 2022 USPQ2d 315, at *4, *14, *16 (TTAB 2022)
535	Note 1: add <i>Ruifei (Shenzhen) Smart Technology Co. v. Shenzhen Chengyan Science and Technology Co.</i> , 2023 USPQ2d 59, at *9 (TTAB 2023) Note 3: add Please Note explanation
536	Note 2: add <i>Conopco, Inc. v. Transom Symphony Opco, LLC</i> , 2022 USPQ2d 504, at *4 (TTAB 2022) Note 3: add <i>Conopco, Inc. v. Transom Symphony Opco, LLC</i> , 2022 USPQ2d 504, at *4 (TTAB 2022) Note 5: add <i>Conopco, Inc. v. Transom Symphony Opco, LLC</i> , 2022 USPQ2d 504, at *4-8 (TTAB 2022) Note 8: add <i>Conopco, Inc. v. Transom Symphony Opco, LLC</i> , 2022 USPQ2d 504, at *8 (TTAB 2022)
539	Para. 3: add new [Note 4], renumber remaining notes New note 4: <i>Rasa Vineyards, LLC v. Rasavada, LLC</i> , 2022 USPQ2d 769, at *4 (TTAB 2022)
540	Para. 1: add reference to Secretary of Commerce
CHAPTER 600	
602.02(b)	Note 5: add <i>Ruifei (Shenzhen) Smart Technology Co. v. Shenzhen Chengyan Science and Technology Co.</i> , 2023 USPQ2d 59, at *8-9 (TTAB 2023)

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TBMP Section:	Nature of Change:
	<p>Note 6: add <i>Ruifei (Shenzhen) Smart Technology Co. v. Shenzhen Chengyan Science and Technology Co.</i>, 2023 USPQ2d 59, at *9 (TTAB 2023)</p> <p>Note 8: add <i>Ruifei (Shenzhen) Smart Technology Co. v. Shenzhen Chengyan Science and Technology Co.</i>, 2023 USPQ2d 59, at *9 (TTAB 2023)</p>
	CHAPTER 700
702.04(a)	<p>Para. 8: add reference in first sentence to expert witnesses and rebuttal disclosures, new [Note 8], remaining notes renumbered</p> <p>New Note 8: <i>See, e.g., CBC Mortgage Agency v. TMRR, LLC</i>, 2022 USPQ2d 748, at *3 (TTAB 2022)</p>
702.04(b)	<p>Note 9: add <i>See, e.g., Rasa Vineyards, LLC v. Rasasvada, LLC</i>, 2022 USPQ2d 769, at *4 (TTAB 2022)</p>
702.05	<p>Para. 2: add language to emphasize full size format for deposition transcripts; new [Note 8], remaining note renumbered</p> <p>New Please Note: providing information about TTAB’s Final Pretrial Conference pilot program</p> <p>Note 1: add <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *40 n.81 (TTAB 2022)</p> <p>Note 2: add <i>Made in Nature, LLC v. Pharmavite LLC</i>, 2022 USPQ2d 557, at *14 (TTAB 2022)</p> <p>Note 3: add <i>Made in Nature, LLC v. Pharmavite LLC</i>, 2022 USPQ2d 557, at *12 (TTAB 2022)</p> <p>New Note 8: <i>Illyrian Import, Inc. v. ADOL Sh.p.k.</i>, 2022 USPQ2d 292, at *14 n.33 (TTAB 2022)</p>
703.01(c)	<p>New para. 2 pointing out that Trademark Rule 2.121(a) does not apply to testimony from another proceeding, suit, or case, new [Note 2]</p> <p>New Note 2: <i>Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714, at *10 (TTAB 2022)</p>
703.01(f)(2)	<p>Para. 3: add reference to refusal to produce documents during a deposition, new [Note 4], remaining note renumbered</p> <p>New Note 4: <i>Vans, Inc. v. Branded, LLC</i>, 2022 USPQ2d 742, at *14 (TTAB 2022)</p>
703.01(p)	<p>Note 2: add <i>Empresa Cubana Del Tabaco d.b.a. Cubatabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242, at *7 (TTAB 2022); <i>Made in Nature, LLC v. Pharmavite LLC</i>, 2022 USPQ2d 557, at *12 (TTAB 2022)</p>
704.02	<p>New [Note 4], remaining notes renumbered</p> <p>New Note 4: <i>See Icon Health & Fitness, Inc. v. Eifit LLC</i>, 2022 USPQ2d 315, at *5-6 (TTAB 2022); <i>FUJIFILM SonoSite, Inc. v. Sonoscape Co.</i>, 111 USPQ2d 1234, 1236 (TTAB 2014)</p>
704.03(a)	<p>Note 1, second para. add <i>Illyrian Import, Inc. v. ADOL Sh.p.k.</i>, 2022 USPQ2d 292, at *14 n.33 (TTAB 2022)</p>
704.03(b)(1)(A)	<p>Para. 2: add reference to “printout or screenshot” following “copy”</p> <p>Para. 9: Include explanation about deficiency of undated copies, new [Note 15] and [Note 16], remaining notes renumbered</p> <p>Para. 12: provide reference to website and TMEP § 111</p> <p>Note 2: add <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *8 (TTAB 2022)</p>

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TBMP Section:	Nature of Change:
	<p>Note 11: reword information about obtaining certified copies of registrations</p> <p>New Note 15: <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *8 (TTAB 2022)</p> <p>New Note 16: <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *8 (TTAB 2022); <i>See also United Global Media Grp., Inc. v. Tseng</i>, 112 USPQ2d 1039, 1043 (TTAB 2014)</p> <p>Renumbered Note 17: add <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *8 (TTAB 2022)</p>
704.04	<p>Note 3: add <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *28 n.50 (TTAB 2022)</p>
704.08(b)	<p>Para. 4: sentence 3 reworded for clarity</p> <p>Last para.: information added that the Internet evidence must be clear and legible; new [Note 18]</p> <p>Note 6: add <i>Empresa Cubana Del Tabaco d.b.a. Cubatabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242, at *7 (TTAB 2022)</p> <p>Note 17: add <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *9 (TTAB 2022); delete <i>RxD Media, LLC v. IP Application Development LLC</i>, 125 USPQ2d 1801, 1806 n.16 (TTAB 2018)</p> <p>New Note 18: <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *9 (TTAB 2022); <i>RxD Media, LLC v. IP Application Development LLC</i>, 125 USPQ2d 1801, 1806 n.16 (TTAB 2018)</p>
704.09	<p>(3): add sentence that rule cannot be used to introduce unrelated testimony, new [Note 4], remaining notes renumbered</p> <p>Note 3: add <i>Vans, Inc. v. Branded, LLC</i>, 2022 USPQ2d 742, at *5-10 (TTAB 2022)</p> <p>New Note 4: <i>Made in Nature, LLC v. Pharmavite LLC</i>, 2022 USPQ2d 557, at *14 (TTAB 2022)</p>
704.10	<p>Note 13: add <i>Icon Health & Fitness, Inc. v. Eifit LLC</i>, 2022 USPQ2d 315, at *10-11 (TTAB 2022)</p> <p>Note 14: add <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *4 n.7 (TTAB 2022)</p>
704.12(a)	<p>Please Note moved out of Note 1: distinguishing TTAB practice from the unique circumstances in <i>In re Chippendales USA, Inc.</i>, 622 F.3d 1346, 96 USPQ2d 1681 (Fed. Cir. 2010); new [Note 3]</p> <p>Note 1: add <i>see also B.V.D. Licensing Corp. v. Body Action Design Inc.</i>, 846 F.2d 727, 6 USPQ2d 1719, 1721 (Fed. Cir. 1988)</p> <p>Note 2: add <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *42 n.88 (TTAB 2022); <i>Shenzhen IVPS Technology Co. v. Fancy Pants Products, LLC</i>, 2022 USPQ2d 1035, at *49 n.72 (TTAB 2022)</p> <p>New Note 3: <i>See, e.g., Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714, at *31 n.57(TTAB 2022); <i>Cities Service Co. v. WMF of Am., Inc.</i>, 199 USPQ 493 (TTAB 1978)</p>
704.13	<p>Para. 1: new last sentence explaining why testimony cannot be made of record by notice of reliance, new [Note 2], remaining notes renumbered</p> <p>New Note 2: <i>Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714, at *10 (TTAB 2022)</p>

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TBMP Section:	Nature of Change:
707.01	<p>Para. 4: clarifying language that objection first raised in reply brief will not be considered</p> <p>Note 7: add <i>JNF LLC v. Harwood International Inc.</i>, 2022 USPQ2d 862, at *24 n.59 (TTAB 2022) and <i>Kohler Co. v. Baldwin Hardware Corp.</i>, 82 USPQ2d 1100, 1104 (TTAB 2007); delete <i>Cf. Productos Lacteos Tocumbo S.A. de C.V. v. Paeteria La Michoacana Inc.</i>, 98 USPQ2d 1921, 1927 (TTAB 2011) and <i>Kohler Co. v. Baldwin Hardware Corp.</i>, 82 USPQ2d 1100, 1104 (TTAB 2007)</p>
707.02(b)	<p>Note 1: add <i>JNF LLC v. Harwood International Inc.</i>, 2022 USPQ2d 862, at *24 n.59 (TTAB 2022)</p>
707.02(c)	<p>Para. 1: new [Note 3], remaining notes renumbered</p> <p>New Note 3: <i>See Icon Health & Fitness, Inc. v. Eifit LLC</i>, 2022 USPQ2d 315, at *4 (TTAB 2022); <i>Genesco Inc. v. Martz</i>, 66 USPQ2d 1260, 1263 (TTAB 2003); <i>Weyerhaeuser Co. v. Katz</i>, 24 USPQ2d 1230, 1233 (TTAB 1992); <i>M-Tek Inc. v. CVP Sys. Inc.</i>, 17 USPQ2d 1070 (TTAB 1990)</p>
707.03(a)	<p>Note 1: add <i>Empresa Cubana Del Tabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242, at *8 n.21 (TTAB 2022)</p>
707.03(c)(2)	<p>Note 1: add <i>ARSA Distributing, Inc. v. Salud Natural Mexicana S.A. de C.V.</i>, 2022 USPQ2d 887, at *4-5 (TTAB 2022); <i>Mahender Sabhnani v. Mirage Brands, LLC</i>, 2021 USPQ2d 1241, at *9-10 (TTAB 2021)</p>
707.04	<p>Add “Untimely” to subsection title</p> <p>New para. 7 regarding waiver of objection to introduction of testimony taken in another proceeding, new [Note 8], remaining notes renumbered</p> <p>New final para. on objections raised for first time in reply brief, new [Note 11]</p> <p>Note 1: separated into a new paragraph; add <i>JNF LLC v. Harwood International Inc.</i>, 2022 USPQ2d 862, at *24 n.59 (TTAB 2022); <i>Empresa Cubana Del Tabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242, at *8 n.21 (TTAB 2022)</p> <p>New Note 8: <i>Flame & Wax, Inc. v. Laguna Candles, LLC</i>, 2022 USPQ2d 714, at *10 (TTAB 2022)</p> <p>Renumbered Note 9: add <i>Illyrian Import, Inc. v. ADOL Sh.p.k.</i>, 2022 USPQ2d 292, at *12 (TTAB 2022); delete <i>Grote Industries, Inc. v. Truck-Lite Co.</i>, 126 USPQ2d 1197, 1207 n.28 (TTAB 2018)</p> <p>New Note 11: <i>See, e.g., JNF LLC v. Harwood International Inc.</i>, 2022 USPQ2d 862, at *24 n.59 (TTAB 2022); <i>Grote Industries, Inc. v. Truck-Lite Co.</i>, 126 USPQ2d 1197, 1207 n.28 (TTAB 2018); <i>Kohler Co. v. Baldwin Hardware Corp.</i>, 82 USPQ2d 1100, (TTAB 2007)</p>
CHAPTER 800	
801.01	<p>New para. 4; new [Note 9]</p> <p>Note 6: add <i>Monster Energy Co. v. Chun Hua Lo</i>, 2023 USPQ2d 87, at *3 (TTAB 2023); <i>DC Comics v. Cellular Nerd LLC</i>, 2022 USPQ2d 1249, at *5 n.14 (TTAB 2022)</p> <p>Note 8: add <i>Empresa Cubana Del Tabaco d.b.a. Cubatabaco v. General Cigar Co.</i>, 2022 USPQ2d 1242, at *6 (TTAB 2022)</p>

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TBMP Section:	Nature of Change:
	New Note 9: <i>JNF LLC v. Harwood International Inc.</i> , 2022 USPQ2d 862, at *2 n.7 (TTAB 2022)
801.03	Para. 5: add cross reference to TBMP § 528.01 concerning page limits on ACR briefs under the summary judgment format Para. 6. New [Note 9], remaining notes renumbered New Note 9: <i>DC Comics v. Cellular Nerd LLC</i> , 2022 USPQ2d 1249, at *8 (TTAB 2022); moved from renumbered Note 10 - <i>Corporacion Habanos SA v. Rodriquez</i> , 99 USPQ2d 1873, 1875 n.5 (TTAB 2011) Renumbered Note 10: delete and move to new Note 9 - <i>Corporacion Habanos SA v. Rodriquez</i> , 99 USPQ2d 1873, 1875 n.5 (TTAB 2011)
802.02	Para. 2: information sought from requesting party as to whether non-requesting party intends to participate in the hearing New para. 3: information about withdrawing a request for oral hearing
802.03	Para. 2: clarify “in person” hearings may be held at a location in connection with a conference or program Please Note: updated to reflect current practice of scheduling hearings by video conference unless an in person hearing is requested
806	(1): language clarifying procedural practice Para. 5: clarifying notification steps to be provided to the Board when a party takes an appeal or seeks review by way of civil action of a final TTAB decision Note 2: add 37 C.F.R. § 2.145(a)(ii)
807	Add following [Note 1] TTAB’s practice of terminating a proceeding without waiting for the appeal period to expire in certain circumstances Note 1: delete 81 Fed. Reg. 69950, 69968 (October 7, 2016) and corresponding parenthetical
	CHAPTER 900
902.04	Para. 1: information added hand delivery notice to the USPTO Director of election of civil action
902.06	Para. 1: information added that the USPTO Solicitors Office serves the Federal Circuit clerk of court that the parties have been send a certified list of documents in the record Para. 2: information added that the Federal Circuit provides the official caption for the case on appeal; new [Note 4], remaining note renumbered New Note 4: Fed. Cir. R. 15(b)(4)
903.07	Para. 1: removal of sentence about expenses and [Note 1], remaining note renumbered Note 1: deleted; Note 2 now renumbered as Note 1
	CHAPTER 1000
	No changes
	CHAPTER 1100
1105	Restyle header “Limitations of rights as against incontestable marks” to “Limitations of rights as against incontestable registrations”
	CHAPTER 1200

TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE

TBMP Section:	Nature of Change:
Throughout	Remove phrases referring to the time provided until December 1, 2022 is six months from the date of the action from which the appeal is taken
1201.05	Last para.: add sentence clarifying that the issue of whether USPTO Trademarks rules were validly promulgated is properly the subject of a petition to the Director; new [Note 16] New Note 16: <i>In re Chestek PLLC</i> , 2022 USPQ2d 299, at *5 (TTAB 2022)
1203.01	Note 2: add <i>But see In re International Fruit Genetics, LLC</i> , 2022 USPQ2d 1119, at *4 (TTAB 2022) Note 3: add <i>In re Mission America Coalition</i> , 2023 USPQ2d 228, at *10 n.11 (TTAB 2023); <i>In re Michalko</i> , 110 USPQ2d 1949, 1950-51 (TTAB 2014) Note 13: delete <i>In re Michalko</i> , 110 USPQ2d 1949, 1951-52 (TTAB 2014); <i>In re Lorillard Licensing Co.</i> , 99 USPQ2d 1312, 1315 (TTAB 2011)
1203.02(a)	Para. 1, after [Note 1], add explanation of fee for consolidated appeal, single brief
1203.02(b)	Note 8: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *20 (TTAB 2022)
1203.02(d)	Para. 2, after [Note 3], add explanation of fee for extension in consolidated appeal
1203.02(e)	Para. 1: add phrase that “the Board strongly discourages” the practice of attaching to the appeal briefs evidence already of record Note 2: add <i>In re Mission America Coalition</i> , 2023 USPQ2d 228, at *10 n.11 (TTAB 2023); <i>In re Michalko</i> , 110 USPQ2d 1949, 1950-51 (TTAB 2014) Note 3: split between TTAB decisions issued in and after 2000 and those issued before 2000; add <i>In re Brunetti</i> , 2022 USPQ2d 764, at *4-6 (TTAB 2022); <i>In re County of Orange</i> , 2022 USPQ2d 744, at *6, 29 (TTAB 2022) Note 4: add <i>In re Brunetti</i> , 2022 USPQ2d 764, at *5 (TTAB 2022)
1206.02	Para. 2: delete reference to interference
1207.02	Note 1: add <i>In re NextGen Management, LLC</i> , 2023 USPQ2d 14, at *4-5 (TTAB 2023) Note 2: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *3 n.1 (TTAB 2022)
1207.03	Note 1: add <i>In re Chestek PLLC</i> , 2022 USPQ2d 299, at *6 n.14 (TTAB 2022); rephrase parentheticals to <i>In re Olin Corp.</i> , 124 USPQ2d 1327, 1335 n.22 (TTAB 2017) and <i>In re Gibson Guitar Corp.</i> , 61 USPQ2d 1948, 1952 n.5 (TTAB 2001)
1208	Note 8: at <i>Cf.</i> add <i>In re Uman Diagnostics AB</i> , 2023 USPQ2d 191, at *23-25 (TTAB 2023)
1208.01	Note 2: add <i>In re Uman Diagnostics AB</i> , 2023 USPQ2d 191, at *30-31 (TTAB 2023); <i>In re MCDM Productions, LLC</i> , 2022 USPQ2d 227, at *10 (TTAB 2022) Note 5: add <i>In re Zuma Array Ltd.</i> , 2022 USPQ2d 736, at *17 (TTAB 2022); <i>In re Jasmin Larian, LLC</i> , 2022 USPQ 290, at *33-36 (TTAB 2022) Note 9: add <i>Cf. In re Brunetti</i> , 2022 USPQ2d 764, at *5 (TTAB 2022)

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TBMP Section:	Nature of Change:
1208.02	<p>Para. 2: delete “showing the current status and title of the registration”</p> <p>Para. 4: changed “issued to registration” to “matured into registrations”</p> <p>Note 5: delete <i>In re Compania de Licores Internacionales S.A.</i>, 102 USPQ2d 1841, 1843 (TTAB 2012); add <i>In re Brunetti</i>, 2022 USPQ2d 764, at *4-6 & n.10 (TTAB 2022); add parenthetical explanations to remaining cases</p> <p>Note 6: add <i>In re Brunetti</i>, 2022 USPQ2d 764, at *4-6 (TTAB 2022); <i>In re Compania de Licores Internacionales S.A.</i>, 102 USPQ2d 1841, 1843 (TTAB 2012)</p>
1208.03	<p>Note 9: add <i>In re Advanced New Technologies Co.</i>, 2023 USPQ2d 60, at *12-15 (TTAB 2023); delete <i>In re Nieves & Nieves, LLC</i>, 113 USPQ2d 1639, 1642 (TTAB 2015)</p> <p>Note 10: add <i>In re Zuma Array Ltd.</i>, 2022 USPQ2d 736, at *14-15 (TTAB 2022); <i>In re MCDM Productions, LLC</i>, 2022 USPQ2d 227, at *8 (TTAB 2022)</p> <p>Note 25: add <i>In re Advanced Technologies Co.</i>, 2023 USPQ2d 60, at *11 (TTAB 2023); <i>In re Advanced Technologies Co.</i>, 2023 USPQ2d 60, at *11 (TTAB 2023)</p> <p>Note 26: add <i>In re Advanced Technologies Co.</i>, 2023 USPQ2d 60, at *11 (TTAB 2023)</p> <p>Note 27: add <i>In re Jasmin Larian, LLC</i>, 2022 USPQ2d 290, at *19-20 (TTAB 2022); <i>In re Jasmin Larian, LLC</i>, 2022 USPQ2d 290, at *19-20 (TTAB 2022)</p> <p>Note 30: add <i>In re Pound Law, LLC</i>, 2022 USPQ2d 1062, at *12-23 (TTAB 2022)</p>
1208.04	<p>Para. 2: add that Board may also take judicial notice of “international conventions and treaties, state constitutions and laws”</p> <p>Note 1: add <i>In re Uman Diagnostics AB</i>, 2023 USPQ2d 191, at *6 n.6 (TTAB 2023); <i>In re Nextgen Management, LLC</i>, 2023 USPQ2d 14, at *9-15 nn. 5, 8-10 (TTAB 2023); <i>In re Pound Law, LLC</i>, 2022 USPQ2d 1062, at *24 n.17 (TTAB 2022); <i>In re Zuma Array Ltd.</i>, 2022 USPQ2d 736, at *12 n.18 (TTAB 2022); <i>In re County of Orange</i>, 2022 USPQ2d 733, at *22 n.69 (TTAB 2022); <i>In re MCDM Productions, LLC</i>, 2022 USPQ2d 227, at *12 n.16 (TTAB 2022)</p> <p>Note 3: add <i>In re International Fruit Genetics, LLC</i>, 2022 USPQ2d 1119, at *2-3 (TTAB 2022); <i>In re County of Orange</i>, 2022 USPQ2d 733, at *5, 29 (TTAB 2022)</p>
1208.05	<p>Note 1: add <i>In re Nextgen Management LLC</i>, 2023 USPQ2d 14, at *2 (TTAB 2023); <i>In re Pound Law, LLC</i>, 2022 USPQ2d 1062, at *5 (TTAB 2022); <i>In re Zuma Array Ltd.</i>, 2022 USPQ2d 736, at *14-15 (TTAB 2022)</p>
1209.01	<p>Para. 2: new [Note 5], remaining notes renumbered</p> <p>New Note 5: <i>Cf. In re Berkeley Lights, Inc.</i>, 2022 USPQ2d 1000, at *20 (TTAB 2022)</p>
1210	<p>Para. 2 and [Note 2]: deleted</p> <p>Note 2: deleted</p>
1216	<p>Para. 4: add phrase “In-person or “hybrid” in-person and remote”</p>

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TBMP Section:	Nature of Change:
1217	Note 2: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *20 (TTAB 2022) Note 8: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *3 n.1 (TTAB 2022) Note 11: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *20 (TTAB 2022)
1218	Note 2: add <i>In re Advanced New Technologies Co.</i> , 2023 USPQ2d 60, at *17 n.56 (TTAB 2023); <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *3 n.1 (TTAB 2022) Note 4: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *5 n.4 (TTAB 2022)
1219.01	Para. 1: add new [Note 1], remaining notes renumbered New Note 1: <i>See generally In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000 (TTAB 2022)
1220	Para. 1: add clarifying language “and the Board affirms the refusal(s) to register”
	CHAPTER 1300
1302.04	37 C.F.R. § 2.141 Reformatted
1311	Note 2: add <i>In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *20 (TTAB 2022) Note 5: add <i>Cf. In re Berkeley Lights, Inc.</i> , 2022 USPQ2d 1000, at *3 n.1 (TTAB 2022)