

Attachment B

INDEX TO CHANGES

June 2025



TBMP Section:	Nature of Change:
	THROUGHOUT MANUAL
	<p>Newly added court case citations are only to the Reporter.</p> <p>Newly added TTAB case citations reference the serial or proceeding number and are to Lexis.</p> <p>Proceeding numbers added to TTAB case citations from 2010 forward.</p> <p>Electronic systems: Included information throughout that TTAB’s electronic filing systems consist of TTAB Center and ESTTA, and are collectively referred to as the Board’s electronic filing systems; and that the Trademark Operations filing systems consist of TM Center and TEAS, and are collectively referred to as the trademark electronic filing system.</p> <p>Spacing, punctuation, formatting, spelling, and typographical corrections.</p> <p>Corrections to order of citations where appropriate in accordance with citation and manual protocols.</p> <p>Subsequent case history added where appropriate.</p> <p>Citations to McCarthy on Trademarks & Unfair Competition checked and year updated (2024). McCarthy is referenced in Chapters 300 and 600.</p> <p>Citations to Wright & Miller Federal Practice and Procedure (FPP) checked and year updated (2024). FPP is referenced in Chapters 300, 400, 500, 700.</p> <p>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.</p>
	CHAPTER 100
102.03	Para. 1, last sentence: Add “and appear in-person” for clarity
108	Note 2: Add web address for information about TTAB Center
110	Change title to “Electronic Filing is Required”
110.01	<p>Change title to “TTAB’s Electronic Filing Systems in General”</p> <p>Add content explaining TTAB’s electronic filing systems consist of ESTTA and TTAB Center; and that TTAB Center is currently available for limited filings</p>
110.02	<p>New subsection titled “TTAB’s Electronic Filing Systems: ESTTA”</p> <p>Para. 1, new second sentence: Explanation that ESTTA provides full filing capabilities with a redirect to TTAB Center where the filing must be made through TTAB Center</p>
110.02(a)	<p>Renumbered from 110.01(a)</p> <p>Retitled “Electronic Filing is Mandatory”</p> <p>Para. 1, new second sentence explaining the interplay between ESTTA and TTAB Center</p>

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TBMP Section:	Nature of Change:
110.02(b)	Renumbered from 110.01(b)
110.03	Renumbered from 110.02 Retitled: “Attachments to Electronic Filings”
110.03(a)	Renumbered from 110.02(a)
110.03(b)	Renumbered from 110.02(b) Retitled: “Form of Attachments”
110.03(c)	Renumbered from 110.02(c)
110.04	Renumbered from 110.03 Retitled “Service of Electronic Filings”
110.05	Renumbered from 110.04 Retitled: “Questions About Electronic Filing”
117.03	Para. 3, last sentence: Update reference from the “TEAS form” to the Change of Address or Representation (CAR) form for address and representation changes to currently active applications and registrations
CHAPTER 200	
206.03	Note 2, para. 2: Add <i>Mymeta Software, Inc. v. Meta Platforms, Inc.</i> , No. 91286055, 2024 TTAB LEXIS 153, at *4 (amended pleading accepted to identify in the complaint the party that received the extension of time to oppose and was identified on the electronic filing cover sheet for the opposition where original complaint identified opposer’s corporate domestication)
209.02	Note 1: Delete <i>Lotus Development Corp. v. Narada Productions, Inc.</i> , 23 USPQ2d 1310, 1312 (Comm’r 1991) Note 2: Add parenthetical to <i>Lotus Development Corp. v. Narada Productions, Inc.</i> , 23 USPQ2d 1310, 1312 (Comm’r 1991) (30-day extension expired on Saturday; rule allowing filing of opposition or subsequent extension on following Monday does not extend opposition period; subsequent extension period ran from Saturday, not the next Monday)
CHAPTER 300	
302.01	New para. 1: Information that TTAB’s electronic filing systems consist of TTAB Center and ESTTA, and are collectively referred to as the Board’s electronic filing systems; and that TTAB Center is currently available for limited filings
303.05(c)	Note 2, para. 2: Add <i>Mymeta Software, Inc. v. Meta Platforms, Inc.</i> , No. 91286055, 2024 TTAB LEXIS 153, at *4 (domesticated corporation shall be deemed to be the same as, and a continuation of the existence of, the foreign entity and may rely on foreign entity’s US application for entitlement)
307.03	Note 2: Add cross reference to TMEP § 1716 about ex parte expungement and reexamination proceedings
309.03(b)	Note 6, para. 2: Add <i>Plumrose Holding Ltd. v. USA Ham LLC</i> , No. 91272970, 2025 TTAB LEXIS 2, at *32-33 (statutory cause of action established based on demonstrated reputational harm within the US) Note 6, para. 3, at <i>Cf.</i> : Add <i>Luca McDermott Catena Gift Trust v. Fructuoso-Hobbs SL</i> , 102 F.4th 1314, 1327 (Fed. Cir. 2024) (Board correctly

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	<p>dismissed cancellation petitions where minority owner failed to allege any individual and legitimate commercial interest; an alleged injury that is merely derivative of that suffered by the partnership is too remote to provide minority owner with a cause of action)</p> <p>Note 15: Add); <i>Plumrose Holding Ltd. v. USA Ham LLC</i>, No. 91272970, 2025 TTAB LEXIS 2, at *33-36 (evidence showing opposer’s pending applications suspended and would be refused should applicant’s application register); <i>MyMeta Software, Inc. v. Meta Platforms, Inc.</i>, No. 91286055, 2024 TTAB LEXIS 153, at *12 (Because opposer’s rights are vested in the application of its domesticated foreign counterpart, opposer may rely on the refusal of the application as further proof of its entitlement to bring a statutory cause of action.)</p>
309.03(c)(1)	<p>Note 3: Add parenthetical to <i>Toro Co. v. ToroHead, Inc.</i>, 61 USPQ2d 1164, 1174 n.9 (TTAB 2001) (must allege when mark became famous); change parenthetical to (same) for <i>Polaris Industries Inc. v. DC Comics</i>, 59 USPQ2d 1798, 1800 (TTAB 2000)</p> <p>Note 6, para. 2: Delete <i>ARSA Distributing, Inc. v. Salud Natural Mexicana S.A. de C.V.</i>, 2022 USPQ2d 887 (TTAB 2022) (applicant's period of nonuse excusable; opposer failed to prove priority; priority dispute requiring an analysis of a manufacturer/distributor relationship and an allegation of abandonment)</p> <p>Note 7: Add <i>Hangzhou Mengku Tech. Co. v. Shanghai Zhenglang Tech. Co.</i>, No. 912721432024 TTAB LEXIS 575, at *39 (proposed mark consisting of a block puzzle game is merely descriptive of computer game software)</p> <p>Note 11: Add <i>CeramTec GmbH v. CoorsTek Bioceramics LLC</i>, 124 F.4th 1358, 1367 (Fed. Cir. 2025) (affirming the Board’s finding that the color pink is functional for ceramic hip components)</p> <p>Note 19, para. 2: Add <i>Sarmento v. Carvalho</i>, No., 91281917, 2024 TTAB LEXIS 367, at *18-19 (TTAB 2024) (non-ownership claim not available against an intent to use application resulting from a transformation of an international registration)</p> <p>Note 22: Add to <i>Cf. In re Audemars Piguet Holding SA</i>, No. 90045780, 2025 TTAB LEXIS 1, at 36-37, 56 (TTAB 2025) (product configuration of watches including elements that are functional and elements without acquired distinctiveness)</p> <p>Note 25: Add <i>Learning Journey International v. Hua Yongfu</i>, 2024 TTAB LEXIS 326, at * (summary judgment granted on abandonment claim where deemed admissions established nonuse for at least three consecutive years with no intent to use the mark)</p> <p>Note 29, para. 2 to <i>But see</i>: Add <i>Bureau National Interprofessionnel DU Cognac v. Cologne</i>, 110 F.4th 1356, 1374 (Board erred in dismissing dilution claim as improperly pled for failure to specify a date when the mark became famous where pleading could be reasonably interpreted to assert a date before applicant’s constructive use date)</p> <p>Note 30: Add <i>Plumrose Holding Ltd. v. USA Ham LLC</i>, No. 91272970, 2025 TTAB LEXIS 2, at *36-39 (§ 14(3) misrepresentation of source shown</p>

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TBMP Section:	Nature of Change:
	<p>where opposer demonstrated damage to its reputation but had not used its mark in the United States)</p> <p>Note 33: Add <i>Look Cycle International v. Kunshan Qiyue Outdoor Sports Goods Co.</i>, No. 92079409, 2024 TTAB LEXIS 289, at *41-42 (false specimens and false statements in declaration constitute intentional deception or reckless disregard for the truth from which intent to deceive is inferred)</p> <p>Note 33: Add <i>Empresa Cubana del Tabaco v. Kretek International, Inc.</i>, No. 92082877, 2024 TTAB LEXIS 482, at *20-21 (plaintiff allowed time to replead to assert a claim under Article 8 of the Pan-American Convention including that the examining attorney has identified a potential for refusal because of defendant’s registrations)</p>
309.03(c)(2) A.	<p>Note 2: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i>, No. 92075095, 2024 TTAB LEXIS 291, at *45 (Supplemental Register registration for PERMITS.COM cancelled where petitioner had prior use); <i>Keystone Consol. Industries v. Franklin Investment Corp.</i>, 2024 TTAB LEXIS 290, at *25-26 (where petitioner owns a Principal Register registration and challenges a registration on the Supplemental Register, petitioner may rely on its registration for priority but the respondent must prove an earlier use date because the presumptions under Section 7(b) do not apply to a registration on the Supplemental Register)</p> <p>Note 4: Add <i>DowntownDC Business Improvement District v. Clarke</i>, No. 91275100, at *7-8, 2024 TTAB LEXIS 412 (opposer had priority of use; any later use by applicant was as opposer’s employee and inured to opposer’s benefit)</p>
309.03(c)(2) B.	<p>Note 1: Delete <i>Naterra International, Inc. v. Samah Bensalem</i>, 92 F. 4th 1113, 2024 USPQ2d 293, at *6 (Fed. Cir. 2024) (Board’s finding as to the second DuPont factor was unclear, Board ignored certain evidence bearing on the third factor, and Board erred in failing to weigh the first factor heavily in favor of petitioner)</p> <p>Change parenthetical for the following cases <i>Spireon, Inc. v. Flex Ltd.</i>, 71 F.4th 1355, 2023 USPQ2d 737, *4-5 (Fed. Cir. 2023) (conceptual strength of a mark is analyzed under the sixth DuPont factor, which is a measure of the extent to which other marks weaken the assessed mark, while the fifth factor is a measure of the mark’s strength in the marketplace) and <i>Omaha Steaks International, Inc. v. Greater Omaha Packing Co.</i>, 908 F.3d 1315, 128 USPQ2d 1686, 1690-91 (Fed. Cir. 2018) (the focus under the sixth DuPont factor is on uses on similar goods; evidence of use on unrelated goods is irrelevant)</p> <p>Note 1, para. 2: Delete <i>Truescents LLC v. Ride Skin Care LLC</i>, 81 USPQ2d 1334, 1342 (TTAB 2006) (dissimilarity of marks dispositive)</p> <p>Note 2: Add <i>Naterra International, Inc. v. Samah Bensalem</i>, 92 F. 4th 1113, 2024 USPQ2d 293, at *6 (Fed. Cir. 2024) (when marks are found similar under the first DuPont factor, that factor weighs heavily in the likelihood of confusion analysis)</p>
309.03(d)	<p>Note 7: Add <i>Iron Balls International Ltd. v. Bull Creek Brewing, LLC</i>, No. 92079099, 2024 TTAB LEXIS 205, at *68-69 (proposed restriction of goods from “beer” to “micro-brewed craft beer” would not avoid a likelihood</p>

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TBMP Section:	Nature of Change:
	of confusion); <i>Sage Therapeutics, Inc. v. SageForth Psychological Services, LLC</i> , No. 91270181, 2024 TTAB LEXIS 139, at *42-43 (Section 18 counterclaim dismissed without prejudice where main claim was sustained based on registrations not challenged by the counterclaim)
309.04	Delete (4) regarding attempt to notify opposer about a misidentification of the application serial number as oppositions are no longer instituted manually, renumber former (5)
311.02(b)(1)	<p>Note 13: Add parenthetical to <i>American Express Marketing & Development Corp. v. Gilad Development Corp.</i>, No. 91183362, 94 USPQ2d 1294, 1298 (TTAB 2010) (“noncommercial use” exception as an affirmative defense inapplicable in Board dilution cases)</p> <p>Note 15: Add <i>DoorDash, Inc. v. Greenerside Holdings, LLC</i>, No. 91285160, 2024 TTAB LEXIS 188, at *8 (mere characterization of opposer’s prior opposition activity as “bullying,” or assertion of “dubious, weak or exaggerated” claims, does not constitute a sufficient allegation of facts to support an unclean hands defense)</p> <p>Note 21: Add parentheticals to the following cases, <i>Nasalok Coating Corp. v. Nylok Corp.</i>, 522 F.3d 1320, 86 USPQ2d 1369, 1373 n.3 (Fed. Cir. 2008) (question of validity of a pleaded registration is a compulsory counterclaim); <i>Food Specialty Co. v. Standard Products Co.</i>, 406 F.2d 1397, 161 USPQ 46, 46 (CCPA 1969) (the validity of the registration of a mark may be tested only by a cancellation proceeding); modify parenthetical to); <i>Gillette Co. v. “42” Products Ltd., Inc.</i>, 396 F.2d 1001, 158 USPQ 101, 104 (CCPA 1968) (in the absence of a counterclaim for cancellation, it is not open to an applicant to prove abandonment of a registered mark in an opposition proceeding even where there are allegedly admitted periods of nonuse by opposer)</p>
311.02(b)(2)	<p>Note 3: Add <i>Faram Holding and Furniture, Inc. v. Faram 1957 S.p.A.</i>, No. 92084197 (TTAB Feb. 24, 2025) (summary judgment granted in part on res judicata affirmative defense on claims of abandonment and nonuse); Add to para. 2, <i>Cf.:</i> <i>Hollywood Casinos, LLC v. Zarco Hotels Inc.</i>, No. 91282993, 2024 TTAB LEXIS 197 (claim preclusion does not apply where likelihood of confusion and geographic descriptiveness were not decided in prior proceeding)</p>
311.02(d)	<p>Para. 2: New to emphasize that a “defense” of abandonment asserted against a pleaded registration is not an affirmative defense but must be raised by a counterclaim; new [Note 2.]</p> <p>New Note 2: 37 C.F.R. § 2.106(b)(3), 37 C.F.R. § 2.114(b)(3). <i>Vitaline Corp. v. General Mills Inc.</i>, 891 F.2d 273, 13 USPQ2d 1172, 1174 (Fed. Cir. 1989) (“defense” of abandonment against a pleaded registration must be raised as a counterclaim); <i>Cosmetically Yours, Inc. v. Clairol Inc.</i>, 424 F.2d 1385, 1387 (CCPA 1970) (“in the absence of a counterclaim for cancellation ... it is not open to an applicant to prove abandonment of the opposer’s registered mark; and appellant’s argument ... that opposer no longer uses the registered mark [] must be disregarded.”).</p>
313.01	Note 9: Add <i>Iron Balls Internationall Ltd. v. Bull Creek Brewing, LLC</i> , No. 92079099, 2024 TTAB LEXIS 205, at *68-69 (proposed Section 18

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	restriction of goods from “beer” to “micro-brewed craft beer” would not avoid a likelihood of confusion); <i>Sage Therapeutics, Inc. v. SageForth Psychological Services, LLC</i> , No. 91270181, 2024 TTAB LEXIS 139, at *42-43 (Section 18 counterclaim dismissed without prejudice where main claim was sustained based on registrations not challenged by the counterclaim)
	CHAPTER 400
401.02	Para. 1, new sentence 2: The timing for the due date for initial disclosures anticipates completion of joinder of claims (and that an answer to any joined claims has been filed) and the discovery conference has concluded.
405.03(a)	Note 1: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opp. No. 91279938, 2024 TTAB LEXIS 380, at *1 (TTAB 2024) (interrogatories are limited to 75 for each party, including subparts);
405.03(d)	Note 3: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opp. No. 91279938, 2024 TTAB LEXIS 380, at *1 (TTAB 2024) (“the Board's assessment is not constrained by the numbering system used by the requesting party”).
405.03(e)	Note 1: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opp. No. 91279938, 2024 TTAB LEXIS 380, at *7 (TTAB 2024). New Note 9: <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opposition No. 91279938, 2024 TTAB LEXIS 380, at *10 (TTAB 2024) (“At the earliest indication that the number of requests is at issue, parties should confer, to include comparing counting methods, to learn their level of concurrence and determine where they differ. Doing so early can avoid costly and delaying motions practice.”).
405.04(c)	Note 4: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp No. 91275100, 2024 TTAB LEXIS 412, at *8 n.12 (TTAB 2024) (“Under Fed. R. Civ. P. 33, answers to interrogatories must be verified and otherwise are not competent evidence.”) (citing <i>Keystone Consolidated Industries v. Franklin Inv. Corp.</i> , Can. No. 92066927, 2024 TTAB LEXIS 290, at *23 n.32 (TTAB 2024))
406.05(a)	Note 1: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opp. No. 91279938, 2024 TTAB LEXIS 380, at *2 (TTAB 2024) (interrogatories are limited to 75 for each party, including subparts);
407.05(a)	Note 1: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , Opp. No. 91279938, 2024 TTAB LEXIS 380, at *2 (TTAB 2024) (admission requests are limited to 75 for each party, including subparts);
408.01	Note 1: Add <i>1661, Inc. v. TF Intellectual Property Pty Ltd.</i> , 91279938, 2024 TTAB LEXIS 380, at *9-10 (TTAB 2024) (parties expected to demonstrate good faith and cooperation during discovery)
408.02	Note 5: Add <i>Heil Co. v. Tripleye GmbH</i> , Opp. No. 91277359, 2024 TTABIS LEXIS 494, at *23-24 (TTAB 2024) (“A party that fails to provide information requested during discovery, or provides an untimely supplement, may be subject to an ‘estoppel sanction’”);
	CHAPTER 500

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TBMP Section:	Nature of Change:
502.06(b)	Note 1: Add <i>NHDNC LLC v. Velcro BVBA</i> , Can. No. 92074468, 2024 TTAB LEXIS 325, at *5 (TTAB 2024) (given “the many contentious motions” filed in the proceeding, Board “determined the case was suitable for the Board’s Final Pretrial Conference Pilot Program”);
503.01	Note 5: Add <i>Blizzard Entertainment, Inc. v. Ava Labs, Inc.</i> , Opp. No. 91285851, 2024 TTAB LEXIS 259, at *4-5 (TTAB 2024) (construing motion to dismiss filed after answer but before the day of the deadline for pretrial disclosures as a motion for judgment on the pleadings);
503.02	Note 2: Add <i>Mountain Gateway Order, Inc. v. Virginia Community College System</i> , Opp. No. 91283412, 2024 TTAB LEXIS 209, at *18 (TTAB 2024);
503.02	Note 3: Add <i>Bureau National Interprofessionel du Cognac v. Cologne & Cognac Entertainment</i> , 110 F.4th 1356, 1373 (Fed. Cir. 2014) (“To survive dismissal under Rule 12(b)(6), a complaint must ‘contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”) (quoting <i>Ashcroft v. Iqbal</i> , 556 U.S. 662, 678 (2009));
503.02	Note 4: Add the following parenthetical after <i>Ashcroft v. Iqbal</i> (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”)
503.02	Note 4: Add <i>Mountain Gateway Order, Inc. v. Virginia Community College System</i> , Opp. No. 91283412, 2024 TTAB LEXIS 209, at *18-19 (TTAB 2024) (plausibility standard does not require plaintiff to “set forth detailed factual allegations”; plaintiff “need only allege ‘enough factual matter ... to suggest that [a claim is plausible]’ and ‘raise a right to relief that is above the speculative level’”) (quoting <i>Totes-Isotoner Corp. v. U.S.</i> , 594 F.3d 1346, 1354 (Fed. Cir. 2010));
503.02	Note 5: Add <i>Empresa Cubana del Tabaco v. Kretek International, Inc.</i> , Can. No. 92082877, 2024 TTAB LEXIS 482, at *9-10 (TTAB 2024) (motion to dismiss “must challenges legal sufficiency of complaint, and not rely on anticipated insufficiency of the evidence or assertions that extrinsic evidence would prevent the plaintiff from proving its claims”); <i>Mountain Gateway Order, Inc. v. Virginia Community College System</i> , Opp. No. 91283412, 2024 TTAB LEXIS 209, at *19 (TTAB 2024) (“whether a plaintiff can actually prove its allegations is not a matter to be determined upon motion to dismiss);
503.02	Note 7: Add <i>Bureau National Interprofessionel du Cognac v. Cologne & Cognac Entertainment</i> , 110 F.4th 1356, 1374 (Fed. Cir. 2014) (complaint must be read in light most favorable to complainant and reasonable inferences drawn from the factual allegations); <i>MyMeta Software, Inc. v. Meta Platforms, Inc.</i> , Opp. No. 91286055, 2024 TTAB LEXIS 153, at *7 (TTAB 2024) (“A plaintiff need only allege sufficient factual content that, if proved, would allow the Board to conclude, or draw a reasonable inference, that the plaintiff is entitled to a statutory cause of action and valid ground exists for opposing the registration.”);
503.04	Last paragraph: modified phrase “the parties will be given” to “the Board ordinarily will give the parties a” as follows: Where a motion to dismiss is

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	based on issue or claim preclusion or lack of Board jurisdiction, the Board may treat the motion as one for summary judgment, in which case, the Board ordinarily will give the parties a reasonable opportunity to present all material that is pertinent to the motion.
503.04	Note 4: Add <i>But see Hollywood Casinos, LLC v. Zarco Hotels Inc.</i> , Opp. No. 91282993, 2024 TTAB LEXIS 197, at *2-3 (TTAB 2024) (Board may not provide further opportunity for briefing “where the parties themselves clearly have treated a motion to dismiss as a motion for summary judgment” and “both parties cite to the evidence submitted with, and argue the merits of, [the] motion”)
504.01	Note 5: Add <i>Blizzard Entertainment, Inc. v. Ava Labs, Inc.</i> , Opp. No. 91285851, 2024 TTAB LEXIS 259, at *4-5 (TTAB 2024) (construing motion to dismiss filed after answer but before the day of the deadline for pretrial disclosures as a motion for judgment on the pleadings);
506.01	Note 1: Add <i>Monster Energy Co. v. Jones</i> , Opp. No. 91284247, 2024 TTAB LEXIS 368, at *22-26 (TTAB 2024) (sua sponte striking affirmative defenses);
506.01	Note 7: Add <i>DoorDash, Inc. v. Greenerside Holdings, LLC</i> , Opp. No. 91285160, 2024 TTAB LEXIS 188, at *8 (TTAB 2024) (granting motion to strike affirmative defense of unclean hands because “Applicant’s mere characterization of Opposer’s prior opposition activity as ‘bullying,’ or assertion of ‘dubious, weak or exaggerated’ claims, does not constitute a sufficient allegation of facts to support an unclean hands defense”);
506.01	Note 7: Change parenthetical after <i>Ohio State University v. Ohio University</i> to use “available” in place of “asserted” and “maintained” as follows: (estoppel may not be available as a defense against claims of mere descriptiveness or geographic descriptiveness; laches may not be available against fraud);
507.03(b)	Note 1: Add <i>DowntownDC Business Improvement District v. Clark</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *33-35 (TTAB 2024) (implied license defense tried by implied consent under Fed. R. Civ. P. 15(b)(2));
507.03(b)	Note 3: Add <i>Hangzhou Mengku Technology Co., Ltd. v. Shanghai Zhenglang Technology Co., Ltd.</i> , Opp. No. 91272143, 2024 TTAB LEXIS 575, at *17 (TTAB 2024) (nonuse claim not tried by implied consent because Applicant objected to evidence pertinent to the claim); <i>Heil Co. v. Tripleye Gm b H</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *17-18 (TTAB 2024) (family of marks not tried by implied consent because Applicant timely objected); <i>DowntownDC Business Improvement District v. Clark</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *33-35 (TTAB 2024) (finding implied license defense tried by implied consent because “the parties were aware the defense was brought and provided testimony and argument on the issue”); <i>Keystone Consolidated Industries, Inc. v. The Franklin Investment Corp.</i> , Can. No. 92066927, 2024 TTAB LEXIS 290, at *14 (TTAB 2024) (unpleaded registrations not tried by implied consent because, although respondent did not object, it did not affirmatively treat the unpleaded registrations as being of record);

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509.01	Note 2: Add <i>Araujo v. Framboise Holdings Inc.</i> , 99 F.4th 1377, 1380 (Fed. Cir. 2024) (“The Board identified and applied correct good cause standard” to motion to extend testimony period filed before close of period).
509.01	Change Note 2 to Note 3
509.01(a)	Note 4: Add <i>Araujo v. Framboise Holdings Inc.</i> , 99 F.4th 1377, 1380 (Fed. Cir. 2024) (Board “reasonably found good cause” to extend plaintiff’s testimony period based on findings that plaintiff was not guilty of negligence or bad faith, it was plaintiff’s first request for extension, bulk of evidence was filed before close of testimony period, and four-day delay in filing one additional declaration was “minimal”);
510.03(a)	Add to end of text: Cancellation filed during grace period of registration. When a petition to cancel has been filed during the grace period for a registrant to file a maintenance document under Trademark Act § 8, <u>15 U.S.C. § 1058</u> , or Trademark Act § 9, 15 U.S.C. 1059, the Board may suspend the cancellation proceeding pending expiration of the grace period. <i>Retrobrands America LLC v. Molson Coors Beverages Co. USA LLC</i> , Can. No. 92083267, 2024 TTAB LEXIS 154, at *5 (TTAB 2024).
514.01	Note 2: Add <i>Heil Co. v. Tripleye GmbH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *38 (TTAB 2024) (unconsented motion to amend identification of goods and services deferred until trial);
514.03	Note 3: Add <i>Heil Co. v. Tripleye GmbH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *38 (TTAB 2024) (unconsented motion to amend identification of goods and services deferred until trial);
518	Note 4: Add <i>Vans, Inc. v. Branded LLC</i> , Can. No. 92066859, 2022 TTAB LEXIS 294, at *9 (TTAB 2022);
527.01(e)	Note 2: Add <i>State Permits, Inc. v. Field vine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *11 (TTAB 2024) (petitioner’s objection to evidence on the ground it was not produced in response to discovery requests “necessarily fail[ed] because petitioner did not provide the Board with the relevant discovery requests and response to allow it to determine if there was a failure to provide information or materials that warrant[ed] the [estoppel] sanction.”);
527.01(e)	Note 3: Add <i>Heil Co. v. Tripleye GmbH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *23-28 (TTAB 2024) (objection sustained to untimely production of software sales and subscription counts and untimely supplementation of hardware sales because failure to timely produce/supplement was not substantially justified or harmless);
528.01	Note 7: Add <i>Learning Journey International v. Hua Yongfu</i> , Can. No. 92082654, 2024 TTAB LEXIS 326, at *5 (TTAB 2024) (“Where, as here, the party moving for summary judgment on a claim bears the burden of proof at trial on that claim, the moving party ‘must lay out the elements of its claim, citing the facts it believes satisfies those elements, and demonstrating why the record is so one-sided as to rule out the prospect of the nonmovant prevailing.’”) (quoting 10A C. WRIGHT, A. MILLER & M. KANE, FEDERAL PRACTICE AND PROCEDURE CIVIL § 2727.1 (4th ed. 2024 update));

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TBMP Section:	Nature of Change:
528.01	Note 8: Add <i>Learning Journey International v. Hua Yongfu</i> , Can. No. 92082654, 2024 TTAB LEXIS 326, at *5 (TTAB 2024) (“If the moving party successfully discharges its initial burden of production, the burden shifts to the nonmovant to demonstrate the existence of a genuine dispute for trial.”);
528.01	Note 9: Add <i>Learning Journey International v. Hua Yongfu</i> , Can. No. 92082654, 2024 TTAB LEXIS 326, at *4 (TTAB 2024) (“A factual dispute is genuine if, on the evidence of record, a reasonable fact finder could resolve the matter in favor of the non-moving party.”);
528.02	Note 2: Add <i>Hollywood Casinos, LLC v. Zarco Hotels Inc.</i> , Opp. No. 91282993, 2024 TTAB LEXIS 197, at *2-3 (TTAB 2024) (construing motion to dismiss as motion for summary judgment where basis was claim preclusion and moving party relied on matter outside of pleadings”);
528.02	Note 2: Add <i>Hollywood Casinos, LLC v. Zarco Hotels Inc.</i> , Opp. No. 91282993, 2024 TTAB LEXIS 197, at *2-3 (TTAB 2024) (construing motion to dismiss as motion for summary judgment where basis was claim preclusion and moving party relied on matter outside of pleadings”);
528.02	Note 2: Changed parenthetical after <i>Haider Capital Holding Corp. v. Skin Deep Laster MD, LLC</i> to: (same)
528.04	Note 1: Add <i>Hollywood Casinos, LLC v. Zarco Hotels Inc.</i> , Opp. No. 91282993, 2024 TTAB LEXIS 197, at *2-3 (TTAB 2024) (treating motion to dismiss as motion for summary judgment where basis for motion was claim preclusion, applicant introduced evidence with its motion, and the parties treated the motion as one for summary judgment);
528.07(a)	Note 1: Add: <i>But see Hollywood Casinos, LLC v. Zarco Hotels Inc.</i> , Opp. No. 91282993, 2024 TTAB LEXIS 197, at *4 (TTAB 2024) (where applicant had yet to file an answer, Board considered unpleaded defense of claim preclusion “solely for the purposes of summary judgment” where opposers did not object and treated motion on its merits)
538	Note 1: Add <i>Monster Energy Co. v. Jones</i> , Opp. No. 91284247, 2024 TTAB LEXIS 368, at *6 (TTAB 2024) (Board considers whether proposed amicus brief will aid in “resolving doubtful issues of law” as opposed to providing partisan argument or account of the facts, prejudicial material or unneeded, redundant briefing);
538	Note 3: Add <i>Monster Energy Co. v. Jones</i> , Opp. No. 91284247, 2024 TTAB LEXIS 368, at *8-9 (TTAB 2024) (denying motion for leave to file amicus brief “replete with partisan argument” and that “otherwise does not aid us in resolving any ‘doubtful’ issue of law”);
CHAPTER 600	
602.02(b)	Note 8: Add <i>Retrobrands America LLC v. Molson Coors Beverage Co. USA LLC</i> , No. 92083267, 2024 TTAB LEXIS 154 (cancellation filed during the grace period dismissed without prejudice as moot after grace period expired where no Section 8 declaration was filed)
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TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE

TBMP Section:	Nature of Change:
701	Note 8: Add <i>NHDNC LLC v. Velcro BVBA</i> , Can. No. 92074468, 2024 TTAB LEXIS 325, at *9 (TTAB 2024) (grant of motion to bifurcate entitlement and genericness into separate trial phases; bifurcation appropriate when resolution of a single claim or issue could resolve entire case);
702.02	Note 4: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *4 (TTAB 2024) (written transcripts of recorded meeting and phone call effectively stipulated into evidence where both parties submitted same transcripts by notice of reliance);
702.04(e)	Note 1: Add <i>DowntownDC Bus. Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *3-4 (TTAB 2024) (material not admissible under notice of reliance alone deemed effectively stipulated into record where both parties submitted the material under notice of reliance);
702.05	Note 9: Add <i>NHD NC LLC v. Velcro BVBA</i> , Can. No. 92074468, 2024 TTAB LEXIS 325, at *5 (TTAB 2024) (case previously determined suitable for Final Pretrial Conference Pilot “[i]n view of the many contentious motions filed in this proceeding”).
703.01(a)	Note 3: Add <i>Iron Balls International Ltd. v. Bull Creek Brewing, LLC</i> , Can. No. 92079099, 2024 TTAB LEXIS 205, at *6 n.10 (TTAB 2024) (unnecessary for second party to re-introduce evidence that adverse party previously made of record);
703.01(b)	Note 1: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *7 n.11 (TTAB 2024) (“The testimony affidavit (notarized) is a sworn statement, while the declaration permits a comparable alternative unsworn statement under penalty of perjury.”);
703.01(c)	Note 1: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *14-15 (wording “or by order the Board” in Rule 2.122(a) specifically gives Board latitude to allow testimony despite its being taken outside of testimony period; Board exercised discretion to accept premature declarations when they were discussed and reaffirmed in timely deposition testimony);
703.01(f)(3)	Note 1: Add <i>Cf. Instagram, LLC v. Instagoods Pty Ltd.</i> , Opp. No. 91266266, 2023 TTAB LEXIS 401, at *8-9 (TTAB 2023) (discussing procedure for obtaining oral discovery deposition of foreign party witness pursuant to the Hague Convention)
703.01(h)	Note 2: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *7 n.11 (TTAB 2024) (“The testimony affidavit (notarized) is a sworn statement, while the declaration permits a comparable alternative unsworn statement under penalty of perjury.”);
703.01(p)	Note 2: Add <i>Adamson Systems Engineering, Inc. v. Peavey Electronics Corporation</i> , Can. No. 92076586, 2023 TTAB LEXIS 454, at *18 (TTAB 2023) (ignoring improper and over-designation of testimony as confidential Board openly discussed evidence that could not reasonably be considered confidential);

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TBMP Section:	Nature of Change:
704.03(b)(1)(A)	Note 2: Add <i>Keystone Consolidated Industries v. Franklin Investment Corp.</i> , Can. No. 92066927, 2024 TTAB LEXIS 290, at *4-5 (TTAB 2024) (petitioner’s unpleaded registrations submitted under notice of reliance not considered where although respondent did not object it also did not affirmatively treat them of record);
704.03(b)(1)(B)	Note 9: Add <i>Spireon, Inc. v. Flex LTD</i> , 71 F.4th 1355, 1363 (Fed. Cir. 2022) (existence of third-party registrations on similar goods can bear on a mark’s conceptual strength by showing that an element common to both opposer’s and applicant’s marks has a normally understood and well-recognized descriptive or suggestive meaning);
704.07	Note 1: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *8 (TTAB 2024) (opposer’s file copy of pleaded trademark application not official record contemplated by Rule 2.122(e) and therefore inadmissible under notice of reliance);
704.08(b)	Note 6: Add <i>Hangzhou Mengku Technology Co., Ltd v. Shanghai Zhenglang Tech. Co., Ltd</i> , Opp. No. 91272143, 2024 TTAB LEXIS 575, at *7-9 (TTAB 2024) (self-authenticating Internet materials considered for what they show on their face; unless supported by testimony, Board does not consider truth of any assertion contained therein);
704.08(b)	Note 7: Add <i>Heil Co. v. Tripleye Gm bH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *60 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (foreign websites not considered where Board could not ascertain extent of exposure to U.S. consumers);
704.08(b)	Note 8: Add <i>Hangzhou Mengku Technology Co., Ltd v. Shanghai Zhenglang Tech. Co., Ltd</i> , Opp. No. 91272143, 2024 TTAB LEXIS 575, at *7-9 (TTAB 2024) (self-authenticating Internet materials considered for what they show on their face; unless supported by testimony, Board does not consider truth of assertions therein);
704.08(b)	Note 13: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *10 (TTAB 2024) (screenshots from Wayback Machine submitted by notice of reliance without supporting testimony considered only for what they show on their face);
704.08(b)	Note 14: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *21 (declaration from Office Manager at the Internet Archive laid proper foundation and authenticated printouts as being iterations of website from previous years);
704.09	Note 4: Add <i>Adamson Systems Engineering, Inc. v. Peavey Electronics Corporation</i> , Can. No. 92076586, 2023 TTAB LEXIS 454, at *9 (TTAB 2023) (after party introduced only excerpts of discovery transcript it was appropriate and fair for other party to supplement record with additional portions of deposition)
704.09	Note 10: Add <i>Adamson Systems Engineering, Inc. v. Peavey Electronics Corporation</i> , Can. No. 92076586, 2023 TTAB LEXIS 454, at *9 (TTAB 2023) (once adverse party makes deposition transcript of record, non-offering party may rely on it);

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TBMP Section:	Nature of Change:
704.10	Note 1: Add <i>But cf. DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *8 n.10 (TTAB 2024) (“Under Fed. R. Civ. P. 33, answers to interrogatories must be verified and otherwise are not competent evidence.”); <i>Keystone Consolidated Industries v. Franklin Investment Corp.</i> , Can. No. 92066927, 2024 TTAB LEXIS 290, at *23 n.32 (TTAB 2024) (unsigned and unverified answers to interrogatories are not competent evidence and do not qualify as answers under Fed. R. Civ. P. 33).
704.10	Note 2: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *6 n.10 (TTAB 2024) (“A party may not make its own discovery responses (interrogatory responses and requests for admission) of record except to the extent necessary to make not misleading the discovery responses submitted by the inquiring party.”);
704.10	Note 12: Add <i>Look Cycle International v. Kunshan Qiyue Outdoor Sports Goods Co.</i> , Can. No. 92079409, 2024 TTAB LEXIS 289, at *4 n.9 (TTAB 2024) (responses to production requests authenticated by responses to requests for admission);
704.10	Note 16: Add <i>Heil Co. v. Tripleye GmbH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *22-25 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (supplementation offered day before cross-examination untimely where new figures were “vastly revised” from original disclosure and “not a situation where Opposer was simply updating sales figures for the months that passed since the original figures were produced”);
704.11	Add: There is no provision in the Trademark Rules that allows for introduction by notice of reliance of a party’s own produced documents. [Note 12.]
704.11	Note 2: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *5, n.10 (TTAB 2024) (documents provided and obtained in connection with discovery requests and submitted by notice of reliance were considered only to extent some were referred to and authenticated by witness testimony; certain portions of documents discussed by both parties in their briefs deemed stipulated into the record for the truth of the matter); <i>Look Cycle International v. Kunshan Qiyue Outdoor Sports Goods Co.</i> , Can. No. 92079409, 2024 TTAB LEXIS 289, at *4 n.9 (TTAB 2024) (responses to production submitted under various exhibits were authenticated by responses to requests for admission);
704.11	Note 9: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *5, n.10 (TTAB 2024) (certain portions of documents improperly submitted by notice of reliance that were discussed by both parties in their briefs deemed stipulated into the record for the truth of the matter);
704.11	Note 10: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *7 n.10 (TTAB 2024)

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TBMP Section:	Nature of Change:
	(“Responses to document requests are admissible solely for purposes of showing that a party has stated that there are no responsive documents.”);
704.11	Add Note 12: <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *6-7 n.10 (TTAB 2024).
704.12(a)	Note 2: Add <i>Heil Co. v. Tripleye Gm bH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *28-29 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (autonomous vehicles are expensive – no, because party provided no information or “sources whose accuracy cannot reasonably be questioned”);
704.12(b)	Note 1: Add <i>Heil Co. v. Tripleye Gm bH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *28-29 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (request for judicial notice denied where party provided no “information to support its request for judicial notice, let alone [from] ‘sources whose accuracy cannot reasonably be questioned.’”);
707.01	Note 6: Add <i>Hangzhou Mengku Technology Co., Ltd v. Shanghai Zhenglang Tech. Co., Ltd</i> , Opp. No. 91272143, 2024 TTAB LEXIS 575, at *10 (TTAB 2024) (objections going to substance, such as weight and credibility of evidence, overruled; Board capable of weighing the relevance of evidence and assigning appropriate probative value); <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *11 (TTAB 2024) (objection on purported lack of relevance overruled when party did not explain how the evidence was irrelevant; Board “will not fill in the void” for the objecting party); <i>Sage Therapeutics v. SageForth Psychological Services</i> , Opp. No. 91270181, 2024 TTAB LEXIS 139, at *5-6 & n.11 (TTAB 2024) (lengthy, detailed objections to evidence that clearly contains both admissible factual testimony and inadmissible argument are not helpful to the Board which is well aware of limits on probative value of various types of evidence and will not wholly exclude, as opposed to discount, questionable evidence);
707.02(b)	Note 3: Add <i>Iron Balls International Ltd. v. Bull Creek Brewing, LLC</i> , Can. No. 92079099, 2024 TTAB LEXIS 205, at *50 (TTAB 2024) (objection at trial that website printout did not include date of access waived because petitioner did not raise the procedural shortcoming earlier);
707.03(b)(1)	Note 1: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *14-15 (Board exercised discretion to accept premature declarations when they were discussed and reaffirmed in timely deposition testimony);
707.03(b)(1)	Note 3: Add <i>State Permits, Inc. v. Fieldvine, Inc.</i> , Can. No. 92075095, 2024 TTAB LEXIS 291, at *16-19, 20 (“Non-offering parties encountering stale or untimely evidence should promptly object and not wait to raise an objection on the ground of untimeliness for the first time with a trial brief.” Objection that declarations were executed prematurely waived or forfeited where party did not object when declarations originally submitted, same declarations introduced without objection as exhibits during a timely

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TBMP Section:	Nature of Change:
	deposition testimony, and offering party made clear it intended to rely on them as trial testimony);
707.03(c)(1)	Note 9: Add <i>Hangzhou Mengku Technology Co., Ltd v. Shanghai Zhenglang Tech. Co., Ltd</i> , Opp. No. 91272143, 2024 TTAB LEXIS 575, at *9 (TTAB 2024) (“Administrative Trademark Judges are not lay jurors who might easily be misled, confused, or prejudiced by irrelevant or unreliable evidence. . . . We are capable of weighing the relevance of [the evidence] and will accord [it] whatever probative value is appropriate”);
707.03(c)(1)	Note 12: Add <i>Heil Co. v. Tripleye Gm bH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *17-18 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (objection to unpleaded issue made during cross-examination and renewed in brief was timely and determined at final);
707.03(c)(2)	Note 1: Add <i>Heil Co. v. Tripleye Gm bH</i> , Opp. No. 91277359, 2024 TTAB LEXIS 494, at *18-19 (TTAB 2024), <i>appeal dismissed</i> , 2025 U.S. App. LEXIS 2651 (Fed. Cir., Feb. 5, 2025) (objection sustained to “family of mark” testimony where family not pleaded);
CHAPTER 800	
801.01	Note 6: Add <i>Keystone Consolidated Industries v. Franklin Investment Corp.</i> , Can. No. 92066927, 2024 TTAB LEXIS 290, at *4-5 (TTAB 2024) (counterclaim, affirmative defense, and outstanding motion to amend deemed impliedly waived because not raised in respondent’s main brief);
801.01	Note 6: update subsequent history for <i>Monster Energy Co. v. Chun Hua Lo</i> , 2023 USPQ2d 87, at *3 (TTAB 2023): <i>appeal dismissed</i> , No. 5:23-cv-00549-GW-PVC (C.D. Cal. July 13, 2023);
801.01	Note 6: update subsequent history for <i>Moke America LLC v. Moke USA, LLC</i> , 2020 USPQ2d 10400, at *1 n.5 (TTAB 2020): <i>rev’d on other grounds sub nom. Moke America LLC v. American Custom Golf Cars</i> , 671 F. Supp. 3d 670 (E.D. Va. 2023), <i>vacated and remanded sub nom. Moke America LLC v. Moke International Limited</i> , 126 F.4th 263 (4th Cir. 2025);
801.01	Note 9: Add <i>DowntownDC Business Improvement District v. Clarke</i> , Opp. No. 91275100, 2024 TTAB LEXIS 412, at *33-35 (TTAB 2024) (unpled defense considered where parties tried issue by implied consent).
801.04	Add Note 1: <i>Monster Energy Co. v. Jones</i> , Opp. No. 91284247, 2024 TTAB LEXIS 368, at *6 (TTAB 2024) (amicus briefs are discretionary, rare, and only for impartial information on matters of law about which there is some doubt).
801.04	Add Note 2: <i>Monster Energy Co. v. Jones</i> , Opp. No. 91284247, 2024 TTAB LEXIS 368, at *6 & n.9 (TTAB 2024) (motion for leave to file amicus brief should be accompanied by the proposed amicus brief, and within the time allowed the party whose position the brief supports).
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TBMP Section:	Nature of Change:
906.01	Note 9: Add <i>CeramTec GmbH v. CoorsTek Bioceramics LLC</i> , 124 F.4th 1358, 1363 (Fed. Cir. 2025) (“[T]he factual findings of the Board are upheld when they are supported by substantial evidence.”);
906.01	Note 11: Add <i>CeramTec GmbH v. CoorsTek Bioceramics LLC</i> , 124 F.4th 1358, 1363 (Fed. Cir. 2025) (factual finding supported by substantial evidence “if a reasonable mind might accept the evidence as adequate to support the finding”);
906.01	Note 30: Add <i>CeramTec GmbH v. CoorsTek Bioceramics LLC</i> , 124 F.4th 1358, 1363 (Fed. Cir. 2025) (“Legal conclusions of the Board are reviewed de novo, and the factual findings of the Board are upheld when they are supported by substantial evidence.”);
906.01	Note 34: Update procedural history for <i>In re Chestek PLLC</i>
906.01	Note 40: Add <i>Araujo v. Framboise Holdings Inc.</i> , 99 F.4th 1377, 1380 (Fed. Cir. 2024) (“We review the Board’s application of its own trial rules for an abuse of discretion.”);
	CHAPTER 1000
	None
	CHAPTER 1100
1103.01(f)	Para. 3: Concurrent use statement language updated for current conformity Para. 4: Explanation of second and third blanks clarified
1103.02	Para. 7: Concurrent use statement language updated for current conformity Para. 8: Explanation of second and third blanks clarified
1106.01	Para 2: Concurrent use statement language updated for current conformity Para.3: Explanation of second and third blanks clarified
	CHAPTER 1200
1201.01	Para. 1, between Notes 2 & 3: remove reference to six-month period following issue date of a final action; substitute “time period allow” Note 3: Add references to 37 C.F.R. § 2.62(a) and TMEP § 711 (Deadline for Response to Office Action)
1203.01	Note 3: Add <i>In re Black Card LLC</i> , 2023 TTAB LEXIS 478, at *4 (TTAB 2023) (if material already was made of record during prosecution, it should not have been refiled with the brief; the Board discourages the practice of filing evidence again with a party’s appeal brief)
1204	Note 15: Add <i>In re Audemars Piguet Holding SA</i> , Ser. Nos. 90045780 & 90045814, 2025 TTAB LEXIS 1, at *10-11 (TTAB 2024)
1208.01	Note 5: Add <i>In re Korn Ferry</i> , Ser. No. 90890949, 2024 TTAB LEXIS 224, at *29 n.28 (TTAB 2024) (“Foreign websites may have probative value on the meaning of a term in the United States under certain circumstances if it is likely that ‘U.S. consumers will encounter foreign websites in the field in question’”).
1208.02	Note 3: Add <i>Group One, Ltd. v. Hallmark Cards</i> , 407 F.3d 1297, 1306 (Fed. Cir. 2005) (upholding district court’s taking of judicial notice of the fact of a patent’s reinstatement); and <i>In re Weiss</i> , (Ser. No. 88621608),

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TBMP Section:	Nature of Change:
	2024 TTAB LEXIS 277, at *2 (TTAB 2024) (request to take judicial notice of third-party registrations and contents of hyperlinks during appeal denied).
1208.03	Note 4: Add <i>In re Weiss</i> , Ser. No. 88621608, 2024 TTAB LEXIS 277, at *3-4 (TTAB 2024) (providing hyperlinks to internet materials is insufficient to make such materials of record).
1209.02	Para. 4: New [Note 6] following first sentence New Note 6: <i>See In re Audermars Piguet Holding SA</i> , Ser. Nos. 90045780 and 90045814, 2025 TTABIS 1, at *9-10 (TTAB 2025) (The Examining Attorney’s request for remand to address an “inadvertently omitted” refusal was proper). Re-numbered remaining notes.
1214	Note 2: Add <i>In re Audemars Piguet Holding SA</i> , Ser. Nos. 90045780 & 90045814, 2025 TTAB LEXIS 1, at *7-8 (TTAB 2025) (because the briefs and evidentiary records in both ex parte appeals are nearly identical, and although the appeals have not been formally consolidated, the Board addressed both appeals in a single decision);
	CHAPTER 1300
1301	New para. 1: <i>See generally</i> TMEP § 1716 for further guidance regarding petitions for expungement and reexamination
1301.01	Note 1: Add <i>See also In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225, at *6 (TTAB 2024) (“After Registrant responded to the office actions with arguments and evidence, the Attorney Advisor issued final office actions maintaining the decisions to cancel the registrations.”).
1301.04	Note 2: Add <i>In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225 (TTAB 2024).
1302.01	Note 1: Add <i>See also In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225, at *5-6 (TTAB 2024) (setting forth the nature of expungement and reexamination proceedings).
1307	Note 2: Add <i>See also In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225, at *5-6 (TTAB 2024) (“In response to a notice of institution of an expungement or reexamination proceeding, a registrant may respond to the petition on the merits; delete goods or services at issue; surrender the registration for cancellation; or amend the registration.”).
1309	Note 1: Add <i>In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225, at *1 (TTAB 2024) (Board consolidated two expungement appeals sua sponte);
1311	Para. 2, end of second sentence: New [Note 2.] New Note 2: <i>See In re Locus Link USA</i> , No. 2022-100137E, 2024 TTAB LEXIS 225 (TTAB 2024). Renumbered remaining notes in light of the addition of new Note 2.