

**Trademark Trial and Appeal Board Practice and Procedure** by Gary D. Krugman  
Warren, Gorham & Lamont/WEST Group

Similar to practicing patent law in the United States Patent and Trademark Office, practicing trademark law is fraught with regulations and a diversity of ways to inadvertently miss statutory deadlines. Handling appeals under the auspices of the Trademark Trial and Appeals Board adds another level of complexity to an already sufficiently complex area of practice. Accordingly, having a Rosetta Stone like Gary D. Krugman's TRADEMARK TRIAL AND APPEAL BOARD PRACTICE AND PROCEDURE renders this important task more tractable particularly for practitioners who only occasionally prosecute appeals of rejected trademark applications and the like.

This text not only provides useful insight into the mechanics of prosecuting appeals in the Trademark Trial and Appeal Board (TTAB), but also includes a complete set of forms (diskette included) and the TTAB Manual of Procedure. After introducing the practitioner to the *modus operandi* of the TTAB, Mr. Krugman then explains the logistics of handling each of *ex parte* appeals, opposition proceedings, cancellation proceedings, concurrent use proceedings, and interferences.

In *ex parte* appeals, the author first distinguishes between appealable and nonappealable matters. Obviously, filing an appeal for a nonappealable matter is a waste of time and money, and may become an embarrassment to the firm. The normal appeal procedure — from notice of appeal, appellate brief, trademark examiner's responsive brief, reply brief, to oral hearing — is then elucidated in detail with footnotes citing to statutory authority and case law. An extensive discussion of a panoply of substantive issues enables the practitioner to fully consider virtually every possible legal theory on appeal.

Next, there is a similar presentation of opposition and cancellation proceedings. After distinguishing between these two proceedings, the author covers basic issues pertaining to motions and service of papers, and then includes ways to suspend such proceedings. A detailed walk-through of pleadings, discovery, summary judgment, testimony periods, briefs, and oral hearings fully apprises the practitioner of the practical aspects and various strategies associated with filing an opposition or a cancellation. He wisely includes many examples to help illustrate the substantive and procedural issues.

Discussion of concurrent use proceedings and interferences complete the author's coverage of prosecution of trademark matters in the TTAB. These procedures are contrasted with opposition and cancellation proceedings, with a concomitant discussion of the factors determining which procedure is appropriate under various circumstances. An excellent cross-reference index enables particular substantive or procedural issues to be expeditiously researched and then reduced to practice. Through his book, Mr. Krugman has found a medium for effectively sharing his mastery of TTAB appeals.