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# **Trademark Law Practice Forms: Rules / Annotations / Commentary**

**Second Edition, Release #41 (2023-1)**

**By Barry Kramer and Allen D. Brufsky**

Enclosed is your February 2023 update for *Trademark Law Practice Forms: Rules/Annotations/Commentary*. This enclosure replaces the prior supplement of Trademark Law Practice Forms: Rules/Annotations/Commentary. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

## **Forms on CD**

If your subscription includes the FOCD, please replace your 2022-2 CD with the new 2023-1 CD.

## **Filing Instructions**

Please follow the enclosed filing instructions to bring your volumes up to date.

## **Highlights**

The new forms in this update include the following, among others:

- New form - § 8:38.41. Period for response - Response to refusal based on mere descriptiveness of the applied for goods and services with argument that mark is at least suggestive
- New form - § 13:10.25. Petition for expungement or reexamination

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- New form - § 13:10.45. Expungement and reexamination procedures - Rule 2.93: Response to office action for post-registration matters
- New form - § 13:10.46. Expungement and reexamination procedures - Rule 2.93: Request for extension of time to file a response
- New form - § 13:50.81. Contents of opposition: Notice of opposition based on likelihood of confusion and likelihood of dilution by blurring and tarnishment
- New Form - § 13:97.40. Contents of petition for cancellation: Petition for cancellation based on likelihood of confusion and lack of bona fide use
- New form - § 15:10.50. Petitions to the Director: Petition to make special

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## **Trademark Law Practice Forms:**

### **Rules / Annotations / Commentary**

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**By Barry Kramer and Allen D. Brufsky**

**Release # 19 (2012-1)**

Enclosed is your February 2012 update (Release #19, 2012-1) to **Trademark Law Practice Forms: Rules/Annotations/ Commentary**.

### **Filing Instructions**

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### **Highlights**

Some of the new forms and recent developments in this Release #19 update include:

- §5:50.50. Trademark application color blue.
- §§8:33.10 to 8:33.70. Responses to refusal based on various reasons.
- §10:13.10. Alternative form for letter of protest .
- §13:72. Motion for extension of time to answer or otherwise plead.
- §§13:48.53 to 13:48.59. Notices of opposition based on various reasons for trade dress.
- §§13:66.31 to 13:66.33. Alternative answers to notice of opposition.
- §13:94.50. Notice of appearance in cancellation proceeding
- §13:99.70. Petition for cancellation based on abandonment
- §13:104.60. Motion for extension of time to answer or otherwise plead
- §13:107.60. Answer to petition for cancellation
- §13:133.50. Notice of appearance in opposition proceeding
- §13:133.60. Notice of appearance and motion to substitute party
- §§13:135.71, 13:135.73. Motions for suspension.
- §13:140.50. Motion for extension of initial disclosures deadline
- §13:143.10. Applicant's first set of requests for documents and

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things

- §13:146.60. Applicant's first set of interrogatories
- §13:161.50. Opposer's first set of requests for admissions
- §13:165.20. Notice of reliance on applicants' failure to respond to requests for admissions
- §13:192.50. Motion to strike immaterial and prejudicial subject matter
- §13:198.20. Applicant's memorandum
- §13:198.50. Applicant's withdrawal of Counterclaim
- §13:198.60. Opposer's withdrawal of opposition
- §13:219.60. Request for amendment of applications
- §13:219.70. Consented motion to amend goods identification in application
- §24:7.10. Complaint based on statutory infringement
- §24:7.15. Complaint based on infringement
- §44:26.70. Withdrawal of application and termination of opposition
- §44:26.90. Stipulation of dismissal of opposition and counterclaim
- §44:26.60. Stipulation of withdrawal of application and dismissal of opposition

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## **Trademark Law Practice Forms**

**Rules / Annotations / Commentary**

**Second Edition**

**By Barry Kramer and Allen D. Brufsky**

Release No. 15 (2010-1)

Enclosed is your February, 2010 Release No. 15 for **Trademark Law Practice Forms, 2d Edition**.

### **Filing Instructions**

Please refer to separate Filing Instructions for this Release No. 15.

### **Highlights**

New forms, samples and text include:

- Description of mark. [See §§ 5:82.20, 5:82.40, 5:82.60 and 5:82.80]
- Office does not issue duplicate registrations—Rule 2.48. [See § 5:187]
- Publication for opposition—FORM: Letter of protest on basis that mark is likely to cause confusion. [See § 10:11.50]
- Contents of petition for cancellation—FORM: Petition for cancellation based on nonuse. [See § 13:99.60]
- General rules of pleading—FORM: Complaint for false designation of origin, unfair competition, violation of state unfair competition statutes, breach of contract, misappropriation of confidential information, conversion, unjust enrichment, tortious interference with contractual relations, and breach of fiduciary duty. [See § 24:7.70]
- General rules of pleading—FORM: Memorandum in support of motion for attorney's fees under 28 U.S.C.A. § 1927. [See § 24:27.50]

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- Pretrial conferences; Scheduling; Management—FORM: Case management report template. [See § 24:69.20]
- Pretrial conferences; Scheduling; Management—FORM: Case management report. [See § 24:69.40]
- FORM: Interrogatories to plaintiff/counterclaim defendant. [See § 26:47.50]
- FORM: Plaintiff's first request for production of documents and things from plaintiff-counterclaim defendant in trademark/domain name dispute. [See § 26:67.50]
- Dismissal of actions— FORM: Alternative stipulation and order for dismissal with prejudice. [See § 27:7.50]
- Indicative ruling on a motion for relief that is barred by a pending appeal—Rule 62.1. [See § 28:66.50]
- FORM: Affidavit in support of complaint in accordance with Uniform Domain Name Dispute Resolution Policy. [See § 35:11.35]
- Remand after an indicative ruling by the district court on a motion for relief that is barred by a pending appeal—Appellate Rule 12.1. [See § 37:33.50]
- Cross-Appeals—Appellate Rule 28.1. [See § 38:13.60]

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