

From: [Wendy Kelly](#)
To: [TM FR Notices](#)
Subject: Comments on Proposed Trademark Fee Schedule
Date: Sunday, September 22, 2019 7:17:45 PM

To Whom It May Concern:

On the USPTO.gov website the guidelines for filing trademarks are outlined in great detail. As a small business owner in the online retail space, I feel it is unfair to charge a business owner who is already taking time from their day to research and submit the form and evidence in the Letter of Protest. Many of these owners, such as myself, are submitting LOP's due to the frivolous nature of a common word or phrase which could have a global effect on the industry as a whole.

The purpose of the LOP is to present evidence for the USPTO attorneys to review. The business owner who submits has no guarantee the LOP will be reviewed in a timely manner, nor that the evidence will be considered and forwarded back to the examining attorney. There is also no method to respond if the LOP is denied and/or not reviewed prior to publication. With no control or ability to respond to these decisions, the fee seems to be an unfair burden to attach for this type of evidential protest. I'm pleading that the Commissioner for Trademarks or someone on their team take a close look at the evidence I have submitted and create a system of checks and balances to ensure that Examining Attorneys are truly conducting a "complete examination" according to your guidelines and ensuring the constitutional basis for trademarks is being followed. I'm also asking that you remove any consideration of charging a fee for LOP's and also consider implementation of an easy, inexpensive (proposing \$100) way for a layman to petition for cancellation of a trademark, or file notice of blatant overreach. Additionally, if a fee must be charged, I would propose charging a fee to applicants whose applied-for mark does not function as a mark and receives a "failure-to-function" refusal according to TMEP 904.07(b). This may help reduce the current influx of frivolous trademark applications being submitted to the USPTO.

Thank you
Wendy Kelly