

From: [Michelle Griffith](#)
To: [TM FR Notices](#)
Subject: Letter of Protest fee
Date: Monday, September 30, 2019 10:31:24 PM

To Whom It May Concern:

As the founder of a small business, I am greatly disturbed by proposed Letter of Protest fee. My business, along with many others, has been greatly affected by frivolous trademark filings within the international classes of 025, 016, 018, 009.

There is clearly an epidemic of trademark filings that are being approved yet not functioning as proper trademarks in the marketplace. These registrations are used in a monopolistic means to immediately issue illegal take downs to legal competition within marketplaces. Thousands of trademark filings have gamed the USPTO examination system with falsified information, fake specimens, hidden ornamental use, and common place words among many other reasons. To this day the only realistic cost effective line of defense against these trademark applications is for industry creators to file letters of protest in these classes.

Letters of protest have demonstrated high effectiveness. The high percent of acceptance for the letters filed have provided examining attorneys with correct evidence. It has been shown that the majority of this evidence has overcome incorrect information in these classes. Multiple instances of pre-publication and post-publication filings have been correctly administered by the USPTO because of the letters of protest filed by small business owners like myself. These actions have saved the USPTO and business thousands of dollars and thousands of hours in current & future administration.

The proposed fee would penalize these efforts that reduce the time examiners need to make the correct decisions on applications. I feel this proposal is misguided in focus and I oppose any fee that would limit the ability to provide this needed evidence. Evidence gathered by those that closely understand the industry of merchandise that is under attack by trademark trolls.

The letter of protest provides fundamental anonymous due process from concerned citizens & businesses before registrations are administered. By approving a letter of protest fee the USPTO will effectively encourage and increase the level of bad behavior by industry in the stated classes. Evidence will be missed due to the examiners current procedures that do not provide a mechanism to find said evidence. Frivolous trademarks will increase unabated and small business does not have the monetary resources to file these levels of oppositions or cancellations. The trademark actions will cost millions of dollars in plundered revenue to legitimate small business companies across the USA that will be attacked by frivolous registration holders that know they can game the system. I view this loss as theft to the industry.

I strongly urge you to reconsider the proposed Letter of Protest fee for the reasons I have stated. The USPTO should not penalize the people helping your department complete the monumental task of administering registrations. Please reconsider the initiative or open further communication with industry participants to review such proposal in more attentive detail.

Sincerely,

Michelle Griffith