

**From:** [Debbie Gross](#)  
**To:** [TM FR Notices](#)  
**Subject:** LOP Fee Protest  
**Date:** Sunday, September 22, 2019 11:29:09 PM

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To Whom It May Concern:

As a small business owner in an on-line presense, I learned that what I read in the guidelines on the [uspto.gov](http://uspto.gov) website is not what was actually occurring in the trademark world with regard to class 025 specifically. I see many trademarks filed for class 025 that should never be considered based on USPTO's own guidelines.

Widely-used words such as "Dogs", "HIPPIE VIBE", "I ONLY MAKE BOYS", and "NOT TODAY" have a registration number meaning that at a minimum they made it past the examining attorney's "complete examination" as defined by the Trademark Manual of Examining Procedure (TMEP). In reality, the words above, any many more, should instead have received a "failure-to-function" refusal on the grounds that the word(s) does not function as a trademark or service mark, are widely used or are merely ornamental. And yet that have not.

My only recourse is to file a letter of protest (LOP). Now the USPTO has proposed a \$100 fee for each. LOPs are necessary for pending trademarks that somehow incorrectly made it through the "complete examination" of the USPTO.

I am asking that the Commissioner of Trademarks remove any consideration of charging a fee of \$100 per LOP until changes have been made to ensure the TMEP is being followed.

Sincerely ,

James Gross

Small Business Owner