

**From:** [derek lynch](#)  
**To:** [TM FR Notices](#)  
**Cc:** [Cain, Catherine](#)  
**Subject:** Letter of Protest proposed fee  
**Date:** Monday, September 30, 2019 11:29:49 PM

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*To Whom It May Concern:*

*I am a Print on Demand merchandise business owner and member of the Facebook Trademark Watch Dawgs Group. We are now over 10,000 concerned members reaching all facets of the merchandise industry. The group was created in early 2018 with the goal of completing Letters of Protest as a means to assist the USPTO in making informed decisions on trademark applications while helping to prevent overreach motivated by anti-competitive forces with deep pockets. Our particular concern is frivolous trademark filings that are destroying small business within the international classes of 025, 016, 018, 009.*

*We now see 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 takedowns to legal competition within marketplaces. Thousands of trademark filings have gamed the USPTO examination system with falsified information, fake specimens, hidden ornamental use, and commonplace words among many other reasons. To this day, realistically, the only 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 since our group formation. Multiple instances of pre-publication and post-publication filings have been correctly administered by the USPTO because of the letters of protest filed specifically by our group. These actions have saved the USPTO and business thousands of dollars and thousands of hours in current & future administration.*

*We, as volunteers, have donated countless hours of our own time completing letters of protest to help the USPTO. The proposed fee would penalize those efforts that reduce the time examiners need to make the correct decisions on applications. We feel this proposal is misguided in focus. We want to help fix a broken system in the classes listed. We are your ally in seeing proper registrations being approved through proper process. We oppose any fee that would limit the ability to provide this needed 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. We 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. We are here to help - help that will be effectively dismantled with the implementation of this fee. This is why I stand in categorical opposition to any fee administered. Please reconsider the initiative or open further communication with industry participants to review such a proposal in more attentive detail. Instead, perhaps a far more effective way to lighten the load of USPTO examiners would be to instead levy an additional \$100-\$200 fine for trademark applications that are denied. Abusers of the system would then think twice before filing an application for common words or phrases that they really don't possess a valid ownership claim.*

*Sincerely,*

*Derek Lynch  
Print on Demand Business Owner  
Trademark Watch Dawgs Member*