

From: [Robin Bren](#)
To: [TM FR Notices](#)
Subject: USPTO Trademark Fee Adjustments Comment
Date: Wednesday, September 18, 2019 4:07:07 PM

The following is submitted in response to the proposed trademark fee adjustments.

While some appear to make some sense, I and others are concerned that many will have potential negative impact.

The following are examples and are not intended to address each proposed change:

- the 100% increased cost for extensions of time to file oppositions will likely encourage more opposition filings rather than trying to work out settlements prior to such filings.
- the 50% increased cost for cancellation filings may deter applicants from filing cancellations based on abandonment in order to clear the way for their own applications (which takes away from the goal of getting rid of marks no longer being used or marks with overly broad descriptions).
- A majority of Requests for Reconsideration are filed because of identification of goods/services issues. It often takes more than one round for the Examining Attorney and Applicant to bridge the gap of understanding as to what is required and what is accurate. This is a harsh penalty for ‘trying to get it right’. This also does not take into account when it may be necessary to involve a supervisor because the action is not consistent or appropriate. In other words, there is a charge regardless of whether there has been an Examining Attorney error—and we certainly don’t want to start getting involved in pointing fingers to determine when payment may be appropriate.

The charge for requesting an extension of time to file an appeal brief is not understood. Little time or resources of the USPTO are required to grant such extensions.

As for the proposed fees for deleting goods/services as a result of a post registration audit, I understand the goal. However, I suggest consideration of approaches taken in other countries where beyond “x” number of items, there is an extra charge at the time of filing the application or at the time proof of use is filed. Although this may not be a popular approach, it is more transparent and should encourage careful consideration early on.

Thank you for your consideration of the above.

Regards, Robin Bren

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