To Whom It May Concern:

I see many trademarks filed for class 025, 009 and others that should never be considered based on USPTO's own guidelines.

Widely-used words such as "1970" (who trademarks a year? Crazy!), "War" (seriously?), "Mashed Potatoes"(again, seriously!?) and so many more regularly used words or phrases, 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, and 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. And yet that have not.

My only recourse is to file a letter of protest (LOP). In 2019, there have been so many LOPs filed against frivolous trademarks that the USPTO has proposed a $100 fee for each. LOPs are only necessary because small business owners have not been properly protected by the USPTO. Why should we have to pay a fee to simply protect the right to use everyday word/language in the marketplace?

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. This fee will harm my ability as a small business owner to continually protest when the government agency whose duty it is to uphold the trademark laws is negligent in doing so.

Instead of charging a fee for a letter of protest, how about charging a higher fee to register a trademark and assess an additional penalty fee for wasting the time of the USPTO by trying to trademark an everyday word or phrase? And, for the person whose job it is to protect the actual trademark laws, he/she should also be assessed a fine for negligence.

Thank you for your time and consideration.

Sincerely ,

Toni Ryan

Small Business Owner