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December 19, 2016

**Via email to [TMFRNotices@uspto.gov](mailto:TMFRNotices@uspto.gov)**

Attn: Ms. Jennifer Chicoski  
Commissioner for Trademarks  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Comments on Notice of Proposed Rulemaking regarding Revival of Abandoned Applications, Reinstatement of Abandoned Applications and Cancelled or Expired Registrations, and Petitions to the Director.

Dear Ms. Chicoski:

I write on behalf of the American Bar Association Section of Intellectual Property Law (“ABA-IPL Section” or “Section”) to respond to the United States Patent and Trademark Office’s invitation for comments on its Notice of Proposed Rulemaking regarding *Revival of Abandoned Applications, Reinstatement of Abandoned Applications and Cancelled or Expired Registrations, and Petitions to the Director*, published at 81 Fed. Reg. 209 (PTO-T-2010-0016, Oct. 28, 2016).

The American Bar Association is the largest voluntary professional association in the world and the ABA-IPL Section is the largest intellectual property law association with approximately 20,000 members. The views expressed in this letter are those of the Section. These comments have not been approved by the ABA House of Delegates or Board of Governors and should not be considered as views of the American Bar Association.

The Section supports the USPTO’s stated goal of promoting the integrity of the information in the trademark electronic records system as an accurate reflection of the status of applications and registrations; ensuring that the public has notice of the deadlines and requirements for petitions to revive an abandoned application, petitions to the Director regarding other matters, and requests for reinstatement of abandoned applications and cancelled or expired registrations; as well as facilitating the efficient and consistent processing of such requests.

The Section generally believes the proposals set forth in this Notice of Proposed Rulemaking will further the USPTO's stated goal, and therefore, the Section generally supports the proposals.

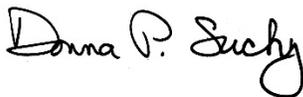
The Section notes the USPTO's proposals to clarify the time periods in which requests to reinstate a registration cancelled or expired due to USPTO error, and Petitions to the Director requesting the same relief, require a registrant to file such request or Petition no later than two months after the issue date of the notice of cancellation/expiration. The proposals further require a registrant seeking reinstatement of a registration cancelled due to USPTO error, but who asserts he or she did not receive a notice of cancellation/expiration or the Office did not issue a notice, to file such request or Petition no later than two months of actual knowledge of the cancellation and no later than six months after the date the trademark electronic records system indicates the registration is cancelled/expired.

The Section seeks clarification from the Office on the proposals referencing a notice of cancellation/expiration, as the Office does not currently issue a notice of cancellation/expiration after the registrant has failed to timely file a § 8 Affidavit and/or a § 9 renewal application. (The Section acknowledges the Office's issuance of a notice of cancellation of a registered extension of protection to the United States and upon the failure to respond to an Office action refusing to accept a § 8 affidavit and/or a § 9 renewal application.) At a minimum, the Section requests the Office to include in any notice of final rulemaking an explanation of why the deadlines refer to a notice of cancellation/expiration when the Office does not currently issue such a notice for the failure to file a timely § 8 affidavit or a § 9 renewal application.

The Section also respectfully asks the Office to begin issuing a notice of cancellation/expiration for any registration that is cancelled or expires, including for any registration cancelled after the registrant has failed to file a timely § 8 Affidavit and/or a § 9 renewal application.

The ABA-IPL Section commends the Office for its consideration of these issues and appreciates the opportunity to offer these comments.

Very truly yours,

A handwritten signature in black ink that reads "Donna P. Suchy". The signature is written in a cursive, flowing style.

Donna P. Suchy  
Section Chair  
American Bar Association  
Section of Intellectual Property Law