

**AMERICAN BAR ASSOCIATION**

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August 18, 2016

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

Ms. Jennifer Chicoski  
Office of the Deputy Commissioner for Trademark Examination Policy  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Comments on Random Audits

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 written comments on the "Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases" in the Federal Register at 81 Fed. Reg. 22. (PTO-T-2016-0002, June 22, 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 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 Office’s goal of promoting the integrity of the trademark register by encouraging accuracy in the listing of goods/services for which use or continued use of a mark is claimed. In addition, the Section acknowledges that the proposed rules will facilitate the cancellation of registrations by the USPTO of marks that were never in use or are no longer in use, and for which acceptable claims of excusable nonuse were not submitted. Therefore, the Section supports revision of the rules in parts 2 and 7 of title 37 of the Code of Federal Regulations to allow the USPTO to verify the accuracy of claims that a Registrant is using a trademark in connection with the goods/services listed in the trademark registration.

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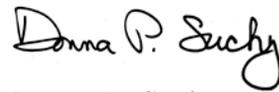
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In particular, the Section supports the decision to require the submission of information, exhibits, affidavits or declarations, and additional specimens of use as may be reasonably necessary to assess claims during the examination of affidavits or declarations of continued use or excusable nonuse filed pursuant to sections 8 or 71 of the Trademark Act, 15 U.S.C. 1058, 1141k.

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 style with a large, looped 'D' and 'S'.

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