

From: [Jennifer Bean](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Response to Proposed Fee for Letters of Protest
Date: Monday, September 30, 2019 10:18:26 PM

To Whom It May Concern:

I am writing to voice my concern about the proposed \$100-200 fee for filing a letter of protest.

There are many trademarks filed for in class 025 that should not be registered, according to the USPTO's own guidelines. But with the present examining process, common words/phrases such as 'Dogs', 'Classy', 'Baseball Mom', 'Football Mom' and 'Mommy to Be' are slipping through and being trademarked and hoarded by trademark holders. These types of trademarks often have nothing to do with brand identification, but rather the trademark applicant/holder uses their trademark to prevent others from using these common words/phrases ornamentally on clothing and other products. This is an abuse of the trademark system. This abuse harms small business owners every day.

Letters of protest have demonstrated a level of high effectiveness. The high percentage of acceptance for the letters filed have provided examining attorneys with correct evidence. Multiple instances of pre-publication and post-publication filings have been correctly administered by the USPTO because of the letters of protest filed. These actions have saved the USPTO and businesses 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. We oppose any fee that would limit the ability to provide this needed evidence.

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 and small businesses do not have the monetary resources to file these levels of oppositions or cancellations. The trademark actions will cost millions of dollars in lost revenue to legitimate small business companies across the USA that will be attacked by frivolous registration holders that know they can game the system.

I strongly urge you to reconsider the proposed Letter of Protest fee. 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 these fees.

Instead of burdening small business owners with paying for letters of protest, please consider increasing the cost of filing a trademark to cover USPTO's operational costs.

Thank you for your time.

Sincerely,

J. Bean