

From: [Brenda Brownlee](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Proposal for LOP fee
Date: Monday, September 30, 2019 9:46:14 PM

I am a small business owner who has been adversely affected by frivolous trademark filings. I am writing to express my concern about the proposed fee for letters of protest. I believe that by creating a fee for submitting letters of protest, you will be sorely impeding the public's only measure of recourse for frivolous trademark applications. In turn, by applying a fee, many more frivolous trademarks will become registered, thus further dirtying the waters of free enterprise and capitalism. Thousands of businesses are affected by frivolous and ornamental use of trademarks that should have never been registered. I want to be clear that I believe in the trademark system - when used properly by applicants to file for true brand identifiers versus the ornamental and widespread use phrases that so many applicants try to pass off as valid trademarks. As a filer of letters of protest, I feel at times we're using a squirt gun to put out the fires of frivolous applications. As you are well aware, thousands of trademark applications are filed every day. Of those thousands, potentially hundreds could be considered frivolous. But without letters of protest and with so much limited time as examining attorneys, how can each EA know what is frivolous and what is not? I'd think by allowing letters of protest to remain free to file, we're helping the examining attorneys make more judicious decisions in what should go forward and what should not. We're saving the examining attorneys time by presenting the evidence to them.

Adding a fee gives an unfair advantage to those who are exploiting the trademark system as laid out by the USPTO. Those who file for frivolous trademarks know that they aren't trying to register a brand - they are knocking out their competition on ornamental and widespread use phrases. Like I mentioned earlier, I'm not against true brand identifying applications. But I don't consider ornamentally used phrases to fall into that category.

Please re-consider what damage would be done to commerce if the letter of protest fee were to come into play. Thank you for your time. Sincerely, Brenda Brownlee A Concerned Small Business Owner