

From: [John Chamberlin](#)
To: [TM FR Notices](#)
Subject: Proposed Fee for Letter of Protest
Date: Sunday, September 29, 2019 10:15:17 PM

To Whom It May Concern:

I am a small business owner. I have an apparel company that creates unique and original designs for sale to the public. In my line of business there has been a recent surge of frivolous trademark applications for the simplest terms that amazingly pass your guidelines as trademark worthy for 025 (apparel). As part of the apparel community the alarming rate of frivolous trademarks that are applied for - and make it through a complete examination as described by your offices - is shocking.

I recently found out that there is a proposal by your office to start charging a \$100 - \$200 fee, per letter, to file a letter of protest (LOP). Letters of protest are a necessary source - a check and balance in the system, most from highly educated individuals in their fields - to help protect the general public from frivolous trademarks. Any fee to file an LOP would silence a number of individuals and small businesses from a right we should all be guaranteed. We depend on your offices to uphold the process of complete examination in determining viable trademarks. The general public depends on you to prevent trademarks from being registered that clearly violate the guidelines set forth in the TMEP, U.S.C. and the C.F.R.

I'm pleading that the Commissioner for Trademarks to create a system of checks and balances to ensure that Examining Attorneys are indeed conducting a "complete examination" according to your guidelines. The number of frivolous trademarks being applied for is at epidemic levels. We depend on you to protect the general public from these trademark trolls.

I'm also asking that you remove any consideration of charging a fee for LOP's until changes have been made at the USPTO ensuring that the constitutional basis for trademarks is being followed.

Additionally, if a fee must be charged, I would propose charging a fee to applicants whose applied-for mark does not function as a mark and receives a "failure-to-function" refusal according to TMEP 904.07(b). This may help reduce the current influx of frivolous trademark applications being submitted to the USPTO.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

John Chamberlin
Small Business Owner