

From: [Michael DiProspero](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Fee Setting
Date: Sunday, September 22, 2019 12:07:15 PM

To whom it may concern,

I am writing this letter to express my concern and opposition to the USPTO's proposal to establish a fee for filing a Letter of Protest (LOP) of \$100 for electronic filings or \$200 for paper filings. While it is very understandable that there is a need for the USPTO to adjust fees to ensure that the costs required to support trademark operations do not exceed available revenues, I believe that the costs associated with LOPs should be absorbed by increasing fees for the trademark applicants. It is the trademark applicants that should bear the burden of the increased costs due to the fact that there is a significant number of applicants that seek to register trademarks that do not function as intended. In fact, I've noted numerous instances where the specimen provided for some trademarks was clearly ornamental in nature. If successful, these trademarks are then used as a mechanism to stifle competition when using the word or phrase as an ornamental design. This is clearly an attempt by the unscrupulous applicant to circumvent the intended use of the trademark.

The very fact that LOPs are filed and accepted as evidence of a proposed trademark's use as an ornamental design, should be considered confirmation that a LOP serves the public good by aiding in the prevention of frivolous trademark filings. For this reason, it seems logical that the costs associated with adjudicating the LOP should be levied upon the initial trademark applicant.

For this reason, as a small business owner that depends upon the actions of the USPTO, I am strongly opposed to the proposal to establish a fee for filing a Letter of Protest and urge the USPTO to reconsider their fee structure such that the burden of processing the evidence provided by the LOP is placed squarely on the initial applicant.

Sincerely,
Michael Di Prospero