

From: [Eric Plosh](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Response To Proposed Fee for Filing Letters Of Protest
Date: Monday, September 30, 2019 8:10:48 PM

To Whom It May Concern,

Hi there, my name is Eric Ploshehanski from Michigan. I'm writing you today to voice my concerns on the proposed \$100.00-\$200.00 fee for filing a letter of protest against trademark applications. The following will explain why and how the current system does need change, but not by penalizing those helping within their already limited legal means.

This change is of large concern to me as someone that has a small business that is impacted by frivolous trademarks. The trademark system as it has been running has allowed many frivolous trademarks to be registered that shouldn't be, based on the USPTO's definition of trademark registration requirements. There are numerous examples of common use words and phrases with no evidence of any other use approved. This has allowed those frivolous trademark owners to then abuse their trademark against legitimate small businesses such as myself, and thousands of others.

In response, many of these small business owners banded together to attempt to make a difference, the difference that could be made was via Letter Of Protest before a trademark was granted full rights. Over the past nearly two years, this group has submitted hundreds of legitimate Letters Of Protest resulting in individuals that were trying game the system, for their benefit and to hurt others in the process, to be denied these trademarks upon further examination. A big win for small business owners everywhere! Through working within the rules of the USPTO, this group has begun to bring true change to the trademark and small business world. This change in a positive direction would all but be stopped with the proposed fees.

This group of people is essentially doing backchecking on an examining attorneys work, free of monetary charge, but at cost of our time. The result has been the hundreds of Letters Of Protest submitted, which takes time away from the USPTO. The response to charge a fee against those fighting a system where trademarks are passing examination that shouldn't be seems to be counterintuitive.

My request would be to please consider reviewing the trademark examining process, as shortcomings there are why hundreds of Letters Of Protest have been submitted, and also resulted in denied approval after further examination might I add. By fixing the front end of the trademark process, from examining, to widespread application across non applicable categories, to words being trademarked with business reason other than to corner the market, this would bring true change to the system. Furthermore, increasing the trademark application fee itself to offset any additional costs would not only make up for these changes, but also discourage frivolous trademark applicants from applying if they know that there is an increased chance they will lose more money if the trademark is denied. Those I know running legitimate businesses, including myself, have said they would have no issue paying in increase in fee.

In summation, fixing the front end of the system will benefit not only the USPTO, but all small business owners, while cleaning up the system that has shown to have major loopholes. At the same time an increased fee on trademarks will account for extra time required to

review, likely result in fewer applications overall due to those attempting to game the system, making life easier for everyone overall.

I thank you for your time and consideration in this matter.

Best Regards,

Eric Ploshehanski