

From: [Roannie M](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Proposed Fee to File Letter of Protest
Date: Monday, September 30, 2019 11:32:32 PM
Attachments: [large.png](#)
[Proposed Fee for Letter of Protest.pdf](#)

To Whom It May Concern,

As a new small business owner in the online retail space, I am quite upset that the USPTO is proposing a \$100-200 fee to file a Letter of Protest. Many trademarks that have been filed for, particularly in class 025, are common use words and/or phrases and should have never been considered based on USPTO's own guidelines. These are attempts to eliminate competition rather than function as a trademark or branding. I have listed a few examples for your convenience below.

EXAMPLES:

1. GINGER 5522713
2. DUH 5535385
3. THIS IS JUST GENIUS 5741096
4. REMATCH 5693289
5. IT'S A BEAUTIFUL DAY TO BE ALIVE 5658196
6. 1970 5651855
7. HIPPIE VIBE 5613418
8. I ONLY MAKE BOYS 5576414
9. WE ALL HAVE OUR MOMENTS 5570168
10. DO GOOD BE KIND 5563924
11. TV DAD 5550878
12. TEQUILA KILLS 5545986
13. WAR 5544499
14. NEIGHBORHOOD 5505435
15. BE THE MAN 5489044
16. BIRD NERD 5417471
17. GREETINGS FROM 5381513
18. THE BEST KIND OF DAD 5313209
19. MEGALODON 5306714
20. GREATEST GUITARIST EVER 5287747
21. BUSY MOM 5250857
22. NOT TODAY 5247946
23. VOLLEYBALL LIFE 5180887
24. MOMMY TO BE 5133777
25. FOOTBALL MOM 4783661
26. BASEBALL MOM 4783660
27. SOFTBALL MOM 4783658
28. I LOVE MY BIG SISTER 4749476

29. I WORK HARD 4686987
30. I LOVE MY WIFE 4541673
31. WHAT'S YOUR SUPERPOWER? 4169154
32. NO SLEEP 3812057
33. ADULTING & SCREAMING 5553248
34. I'M THE BIG BROTHER 2166736
35. I'M THE BIG SISTER 2153621
36. WORKING HARD SO MY DOG CAN HAVE A GOOD LIFE 5534946
37. EVERYTHING OFFENDS ME 5555286
38. I WILL WIN 5542855
39. MISTAKES 5544220
40. DOGS 5843989
41. Goddess 5848225

NEW APPLICATIONS:

1. GODDESS (US Serial Number 88619833) Note that Goddess has already been registered for the same class.
2. SOLSTICE (US Serial Number 88509910)

Just to name a few...

The words above, any many more, should instead have received a “failure-to-function” refusal on the grounds that the word(s) do not function as a trademark or service mark.

The influx of letters of protest the USPTO started receiving in 2019 is justified and due the USPTO and their examining attorneys’ failure to follow its own guidelines. The only recourse we small business owners have is to file a Letter of Protest against these frivolous applications, because the USPTO has failed to recognize these attempts to eliminate competition.

I am asking that the Commissioner of Trademarks remove any consideration of charging a \$100-200 fee to file a Letter of Protest until changes have been made to ensure the TMEP is being followed. This fee will harm my ability as other small business owners to continually protest when the government agency whose duty it is to uphold the trademark laws is negligent in doing so.

In order to reduce the number of Letters of Protest received, I propose that the USPTO review their own guidelines and ensure that its examining attorneys understand those guidelines. Any applications that are approved for registration should be required to provide proof of proper branding: such as business cards, letterhead, product labels, etc all with a designed or stylized logo of said word or phrase: within 90 days of approval. A simple image of the word/phrase, like the one below, should not qualify as proof as this is just a screenshot of a word typed in a word processor.

SOLSTICE

Should the owner of the approved registration fail to provide proper proof of branding, then

the fee of \$100-200 should be charged to him/her.

I thank you for your time and once again encourage you to reconsider the proposed fee of \$100-200 to file a Letter of Protest.

I have attached a PDF copy of this letter.

Regards,
Sheba Sanders