

**From:** [Amber Timmerman](#)  
**To:** [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)  
**Subject:** No to Letter of Protest fees, Yes to Online Searches for Widespread Use  
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September 8, 2019

To whom it may concern:

I am writing against the proposed fees for filing a Letter of Protest.

**There would be no need to charge for the increased workload of evaluating letters of protest if examiners would simply perform a routine online search for all category 025 applications to check if the expression is already in widespread use.** This is the main issue raised in most letters of protest to the USPTO.

Why so many letters of protest? Bad actors are abusing the United States trademark system to corner the market for best-selling phrases on apparel and household items. Once they have obtained a popular trademark, they immediately issue takedown requests to all the major online retailers and print-on-demand companies. When this occurs, upstanding businesses are hurt by the loss of income and their reputation may be damaged on the platform they sell their designs on, like Etsy or Amazon.

Small businesses currently need to file letters of protest for frivolous trademarks because they have zero faith that the examiner will first make a common sense search of the Internet to see if a phrase is in widespread use. Here are just a few examples of trademarks that should not have been granted.

### **Christmas**

NOEL  
HOPE  
JESUS  
DABBING SANTA  
BUMPS FIRST CHRISTMAS  
SANTA PAWS  
SANTA CLAWS  
SECRET SANTA

### **Thanksgiving**

THANKFUL  
MASHED POTATOES  
TURKEY BOWL  
(FRIENDSGIVING - letter of protest filed)

### **Halloween**

BOO-YA  
PETER PETER  
(I'M JUST HERE FOR THE BOOS – letter of protest filed)

**Easter**

SOMEBUNNY IS PREGNANT  
WILL TRADE SISTER FOR EASTER EGGS  
WILL TRADE BROTHER FOR EASTER EGGS  
SOME BUNNY LOVES ME

**Fourth of July**

1776  
LIBERTY  
DON'T TREAD ON ME  
INDEPENDENCE DAY

**Family relationships**

MOTHER  
FOOTBALL MOM  
BASEBALL MOM  
SOFTBALL MOM  
AWESOME DAD  
THIS GUY  
I'M THE BIG SISTER  
I'M THE BIG BROTHER  
I LOVE MY BIG SISTER  
I LOVE MY WIFE  
MARINE DAD  
PAPA THE MAN THE MYTH THE LEGEND  
AWESOME GRANDPA

**Life events**

BRIDE TO BE  
BRIDE'S MAID  
MOMMY TO BE  
THE MAN BEHIND THE BUMP  
THIS LADY IS GOING TO BE A GRANDMA

**Pets**

DOGS  
CATS  
I'D RATHER BE WITH MY DOG  
WORKING HARD SO MY DOG CAN HAVE A GOOD LIFE  
BIRD NERD

**Food**

HONEY  
TACOTARIAN  
FEED ME TACOS  
BEERS

A simple online search would have shown the examiner that these words were indeed in widespread use and do not function as a trademark.

As a small business owner, I cannot afford to file for cancellation of these erroneously granted trademarks. All I can do is monitor the hundreds of pending applications for frivolous trademarks and file a letter of protest to try to help the examiner see what is obviously already for sale online.

How I create a Letter of Protest:

1. Search online for the proposed trademark phrase on Amazon, Google Shopping, Etsy, and RedBubble.
2. Send screenshots to the examiner showing the hundreds of products currently using that phrase from multiple stores.

For the life of me I cannot understand why online searches for widespread use are not already a requirement for all apparel trademark evaluations!

As a small business owner, I do not have the time to police all these trademarks. I want to trust that the good examiners working at the USPTO are performing their due diligence and paying attention to the common phrases being used on apparel.

Most designers and artists have thousands of shirts in their catalog for sale across multiple platforms. Each month hundreds of trademarks are applied for. I do my best to review who is filing for phrases that impact my business, and remove freshly trademarked items from the marketplace before I am penalized. I want to keep my business accounts on Amazon and other platforms in good standing.

The Letter of Protest needs to remain free. Please do not penalize small businesses for trying to help the USPTO perform an accurate evaluation. By all means, penalize the bad actors who waste the examiner's time with frivolous trademark applications.

The USPTO needs to adapt their trademark examining process to include online retailers and the print on demand industry (comprised of 200-300 companies that print and ship original artwork created by independent designers).

The USPTO is already costing me time and earnings by the way examiners currently evaluate trademarks without looking at the online marketplace.

Do not require me to pay to do online searches for USPTO employees.

Do not charge me for speaking up to try to help the USPTO do their job.

Yes, keep letters of protest free, as it's one indicator of how well the USPTO is doing at their job.

Instead of increasing fees, change the examiner's process to solve this entire problem. There will be no need for so many letters of protest!

I welcome the opportunity to discuss this issue further and collaborate with the USPTO on behalf of the apparel design and print-on-demand community.

Thank you for your time and careful attention to these matters.

Sincerely,

Amber Timmerman  
Business Owner