

From: [Scott Larsen](#)
To: [TM FR Notices](#)
Cc: [Cain, Catherine](#); [Representative Liz Cheney](#); [Senator Michael B. Enzi](#); [Senator JBarrasso@barrasso.senate.gov](#)
Subject: USPTO Trademark system flaws
Date: Thursday, September 26, 2019 2:24:28 PM

Hello,

I am writing in somewhat of a panic regarding a proposal by the United States Patent and Trademark Office: When someone applies for a Trademark, the public is given a period of time to challenge this by writing a Letter of Protest to the USPTO. I am in a business in Wyoming that is under siege from bogus trademarks which are not valid, but are being granted incorrectly. These TMs are then used to prevent competition.

I design and sell T-shirts. An example of what I am talking about is the recent TM of the word 'DOGS' — Can you imagine the number of T-shirts sold in this country that use that word? They are now able to storm major marketplaces—I sell shirts on Amazon.com—and demand that they remove any "infringing" designs, leaving that entire marketplace off limits to all but themselves... when there is no reason for a consumer to associate a "dogs" T-shirt with their company.

The one tool the public has for fighting new improper TM applications is called a "Letter of Protest." This is a fairly cumbersome process that requires the public to track and be aware of new applications, gather information against the TM, and present it to the USPTO. The USPTO is supposed to complete this investigation on its own but they are clearly approving most TMs without so much as a second look, unless someone submits a Letter of Protest (LOP).

The USPTO has proposed a \$100 fee be applied to any LOP submitted. This will destroy the usefulness of any currently existing trademark, through simple dilution, as applicants will seek to register anything and everything, diluting the existing trademark and forcing sellers to abandon merchandise—entire businesses in some instances—to these unscrupulous companies and individuals who are attempting to use the government to gain an unfair advantage.

I cannot think of another instance where the government requires the public to pay a fee in order to comment.

Senator Barrasso, Senator Enzi, Representative Cheney and USPTO employees: Please stop this LOP fee! I will be cc'ing this letter through your .gov contact forms to make sure it gets through, I apologize for the duplication.

Thank you for your consideration,

Scott Larsen

--

Scott Larsen
scott@designscott.com
596 Ave D, Powell, WY 82435
(307) 271-2382