



Via Electronic Mail

October 11, 2012

Mr. David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office ("USPTO")

RE: Adjustment of Fees for Using TEAS and TEAS PLUS

Dear Director Kappos:

Cummins Inc., a global power leader, is a collection of complementary businesses that design, manufacture, sell, and service engines and related technologies, including fuel systems, emission solutions and electrical power generation systems. Headquartered in Columbus, Indiana, Cummins employs approximately 44,000 people worldwide and serves customers in approximately 190 countries and territories through a network of more than 600 company-owned and independent distributor locations and approximately 6,500 dealer locations.

Customers worldwide depend on the Cummins brand promise for leading edge products that meet needs for power, fuel economy and compliance with emissions standards. Cummins accordingly thanks you for the opportunity to provide comments pursuant to potential adjustment of trademark application fees to incentivize electronic communications.

First, applicants may have legitimate needs in the course of prosecuting applications to file bulky specimens (e.g., engine designs) or other evidence that are not well suited to filing electronically. Exceptions should be maintained for submission of specimens that do not readily translate to electronic form.

Second, the existing TEAS PLUS system does not allow for sufficient customizing of descriptions of goods and services. An applicant using TEAS PLUS will receive narrower rights than might be appropriate for his or her use because applicants are restricted to selecting standard recitations that necessarily limit descriptions. An applicant should be able to customize descriptions to fit his or her specific use.

Finally, since a trademark budget surplus over \$100 million is projected for 2013, any fee adjustments to incentivize electronic filing should not be offset by increased fees for paper filing. The USPTO should consider studying how to use the surplus to support brand owners with international filing or recording issued

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registrations with customs agencies. Alternatively, if the surplus will not be used to assist trademark filers with brand protection, then all trademark application fees, whether for paper or electronic submissions, should be lowered.

Cummins appreciates the opportunity to provide these comments. Please do not hesitate to contact me for further information.

Sincerely,

A handwritten signature in cursive script that reads "Scott W. Hackwelder".

Scott W. Hackwelder
Corporate Counsel - IP