

THE LAW OFFICE OF ANGELA V. LANGLOTZ

A Professional Corporation
848 N. Rainbow Boulevard, Suite 3721
Las Vegas, Nevada 89107

September 30, 2019

Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451

Transmitted via First Class mail and email to: fee.setting@uspto.gov;
TMFRNotices@uspto.gov; catherine.cain@uspto.gov

Re: Proposed fee to file Letters of Protest

To Whom It May Concern:

I write in support of the fee increase for those who wish to file Letters of Protest in trademark matters. Those that wish to insert themselves into the trademark application process ought to bear the administrative burden that ensues from their filings.

BACKGROUND

While I do agree that trademark examiners need to be better trained so that improperly-used marks do not register, this issue has been largely resolved by the new requirement that all Applicants retain a United States licensed attorney as trademark counsel. Previous to this, many foreign attorneys - who either didn't know the rules or refused to follow them -- obtained improper trademark registrations based on fraudulent specimens. They would then use these trademark registrations -- many of which were improperly issued because the mark was being used in a "merely ornamental" manner -- to harass and oppress other merchants on online platforms like Etsy.com and Amazon.com.

Rogue registrants filed complaints against other merchants using the registered terms in their ornamental designs, and threaten to get them banned from the platform. These applicants were seriously abusing the USPTO system, and they were allowed to do so by ill-trained Examiners who let these improper, merely ornamental trademarks issue. This is the fault of the USPTO, for not properly training its own examiners in the rules, and

not properly supervising them to ensure that merely ornamental trademark applications are denied registration.

This abuse of the system spawned a collective will to fight back to combat these rogue trademark registrants, who exploited the ignorance of online platforms like Etsy.com and Amazon.com and weaponized this ignorance against their business competitors who were using now-registered words as decorative elements. They formed a Facebook group called Trademark Watch Dawgs (TWD) to file Letters of Protest against applicants who filed frivolous trademarks. While their original purpose was well-meaning, and I tried to help the group for a time, they turned on me when I undertook representation of several members of the group who wanted to register trademarks for their print-on-demand brands to combat the common occurrence of stealing Amazon listings for their merchandise and other rogue behavior.

Many in the TWD group are actively involved in “scraping” Amazon listings; that is, finding items that sell well, and then copying the listing or the merchandise itself, and stealing the market from the original creator of the idea. To prevent this theft, Amazon creators have begun to brand their merchandise. Of course, this eats into profits for members of the group who wish to engage in this type of theft. So TWD members began filing Letters of Protest in order to stop not just those naughty trademark applicants who abuse the system, but any trademark applicant who is using a common word in their brand -- which can sometimes be allowable, and sometimes not, depending on the goods; the problem is that the people in the TWD group don't know the difference.

COORDINATED FILING OF LETTERS OF PROTEST

Recently, the USPTO may have experienced an increase in the number of Letters of Protest being filed against certain trademark applications, especially in international classes 009, 021, and 025. The recent uptick in the number of Letters of Protest is the result of a coordinated effort of the members of a Facebook group called Trademark Watch Dawgs, who have seemingly appointed themselves the “trademark police.” While their purpose initially may have been noble, the group seems to have devolved into a sort of “mob mentality” where they have decided to oppose the applications of anyone who is applying for a trademark for their print-on-demand brand.

The “Trademark Watch Dawgs” group seem to be under the impression that any use of a common word as a trademark is by definition “frivolous” and must be combated by a

barrage of Letters of Protest opposing the trademark application. They keep a spreadsheet in an online application called Airtable of trademarks that they deem “frivolous,” and bombard the examining attorney with Letters of Protest against the registration of the “frivolous” trademark. For more about this, please see the Appendix accompanying this letter.

Members of the TWD group are engaged in a coordinated effort to file literally hundreds of Letters of Protest (in one image in the Appendix, they claim to have filed over 1,000) against any trademark applicant using a “common word” in any part of his mark. They have a spreadsheet containing all such allegedly “frivolous” trademarks that is regularly updated, and hold contests to see who can file the most Letters of Protest with the trademark office. Currently, there is discussion underway within the group about automating the process to file even more Letters of Protest to completely bog down the trademark office and its system of examining trademarks. As more and more members join the group, the USPTO can expect to receive even more Letter of Protest that they must evaluate and process.

Members of the TWD group have even gone so far as to harass some of my clients, posting their addresses and business names on social media so that the group can subject my clients’ online stores to frivolous claims of copyright infringement and trademark infringement, in an effort to get the store taken down from the online platform...And all because my clients are diligent about protecting their trademark rights.

TWD members Beverly Racine and Christina Sisson have targeted me and a few other attorneys who they claim file “frivolous” trademarks. While I can’t speak for the other attorneys targeted, I ensure that my clients are indeed using the trademarks properly before I agree to file their applications. It’s important to file marks that are properly in use, or, in the case of 1(b) filings, ensure that the mark is later being properly used in commerce.

These “trademark vigilantes” are not in a position to know what makes a trademark “frivolous,” as they have no legal training; they claim that any trademark using a common word is, by their definition, “frivolous.” Using this misunderstanding of the trademark rules (I note that the word “frivolous” doesn’t even exist vis-a-vis trademarks in the Lanham Act) would completely prohibit the use of many suggestive and arbitrary trademarks such as “Jaguar” for cars, “Apple” for computers, “Orange” for amplifiers

and banking services, and “Box” for online storage services, just to name a few. They don’t know the law, so they bombard the trademark office with Letters of Protest any time that anyone applies to use a common word in a trademark for certain International Classes, particularly in International Classes 009, 021, and 025, which are common classes for print on demand items.

LETTERS OPPOSING THE PROPOSED FEE

The large number of letters that the USPTO has received protesting the proposed fee to file Letters of Protest is the result of a coordinated effort of the members of a Facebook group called Trademark Watch Dawgs (TWD). Far from being a sort of “grass roots” protest against the fee, this is yet more “Astroturf” manufactured by the TWD group. The TWD group has provided members with some “boilerplate” language (see the Appendix) to use in their letters arguing against the imposition of a fee for those who wish to insert themselves into the trademark process via the submission of a Letter of Protest.

You’ll notice that many of the letters contain the same examples (“Dogs” seems to be a favorite one) and the same ridiculous suggestion that a fee per Letter of Protest should be levied against Applicants, purportedly so that these trademark vigilantes can further burden the system and the trademark applicants at no cost to themselves.

They seem bent on overwhelming the system with letters against the proposed fee, even as they are overwhelming the trademark examining process with their Letters of Protest. One of the ringleaders of this group, Beverly Racine of Edgewood, WA, is exhorting TWD members to ask their friends to write in to protest the proposed fee, even though said “friends” are likely unaffected by anything happening at the USPTO.

Of the letters submitted as of September 28, 2019, 188 are from the Trademark Watch Dawgs group. Of course they don’t want this fee; it will hinder their ability to continue to bombard the USPTO with frivolous letters of protest and hinder the registration of legitimate trademarks. The issuance of these trademarks will, in turn, hinder the ability of group members to scrape and steal Amazon listings from legitimate business owners who wish to protect their valuable brands from this type of online piracy.

COSTS SHOULD BE BORNE BY THOSE THAT USE THE TRADEMARK SYSTEM

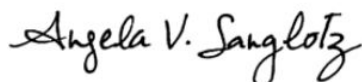
I believe that TWD and those who have legitimate business reasons to protest a trademark would use their efforts more judiciously if a modest fee were imposed upon those who wish to insert themselves into the trademark process. The proposed fee of \$100 seems like a modest enough amount to still be affordable, yet a deterrent to filing several letters of protest for each application that a particular group deems “frivolous” without really possessing the legal knowledge to make that evaluation. Those that wish to use the system should bear the cost of their usage, and there is no reason to exempt Letters of Protest from this principle.

Currently, it’s too easy for a group to get together, and make it appear as if a particular application is widely viewed as an issue. I know that they have targeted me and other attorneys for abuse via Letters of Protest (see Appendix) because the group does not like who we represent. This sort of harassment is an abuse of the trademark process that is just as egregious as the abuse of the trademark process to obtain registrations for merely ornamental trademarks, and the USPTO should take steps to curb this sort of abuse, just as it did with the new requirement that Applicants have US counsel.

The best way to curb the abuse of the Letter of Protest system is to implement the modest fee that the USPTO has proposed. This will enable those who have a legitimate concern to file Letters of Protest, and deter the filing of excessive and duplicate Letters of Protest as a tool of harassment of trademark applicants who are properly availing themselves of the Lanham Act to protect their brands. Insisting that those who wish to use the resources of the USPTO pay a part of the administrative costs of their use is simply the fair and logical thing to do, and I urge you to implement the proposed fee.

Sincerely,

**THE LAW OFFICE OF
ANGELA V. LANGLOTZ, P.C.**



Angela V. Langlotz
Attorney at Law

Enclosures

Appendix


Link to the Trademark Watch Dawgs Group:

<https://www.facebook.com/groups/TrademarkWatchDawgs>

Link to the Trademark Watch Dawgs YouTube channel:

<https://www.youtube.com/channel/UCt4vEIXQKYY7uKwTgQd1glw>

A contest to see who can file the most Letters of Protest:



Ken Reil
Admin · June 21

Trademark Watch Dawgs – LOP Challenge Contest

Dates:
- *Starts Monday June 24th 12:00 AM EST*
- *Ends Wednesday July 31st Midnight EST*

Prizes:
1st place – Apple iPad 128 gb + Pencil
2nd place – Amazon Gift Card \$100
3rd place – Amazon Gift Card \$100
Contest Draw Prize - \$100 Starbucks Gift Card
Tons of Weekly Pop-Up Draw Prizes

Points
- File a Pre Pub LOP = 1 Point
- File a Post Pub LOP = 10 Points
- Top point leaders win 1st-3rd prizes
- 1 point = 1 entry to draw prizes

Steps:
1. Read "The Basics & Prizes" Posters attached
2. Read "The Guidelines" pdf file
3. Find suitable TM LOP's that are needed
4. Start Filing!
5. Take a bite out of frivolous trademarks!!

The Guidelines
<https://www.facebook.com/groups/TrademarkWatchDawgs/permalink/754858894915749/>

LOP's Needed List
<https://airtable.com/shrI2rMhi3Ab8v39a>

Intent to File LOP Form:
<https://airtable.com/shrBNprpw2aNKVJGm>

File LOP Entry Form
<https://airtable.com/shrjn7vhWaZNUFUKW>

GOOD LUCK!!

Letters of Protest Contest Prizes:

File LOP Entry Form

<https://airtable.com/shrjn7vhWaZNUFUKW>

GOOD LUCK!!











TRADEMARK

WATCH DAWGS

30 DAY LOP CHALLENGE

THE PRIZES

 <p>FIRST PLACE</p>  <p>APPLE IPAD 128GB + PENCIL</p>	 <p>SECOND PLACE</p>  <p>\$100 AMAZON GIFT CARD</p>
 <p>THIRD PLACE</p>  <p>\$100 AMAZON GIFT CARD</p>	 <p>CONTEST DRAW</p>  <p>\$100 STARBUCKS GIFT CARD</p>

WEEKLY POP-UP PARTICIPANT DRAW PRIZES

PRE PUB LOP = 1 POINT POST PUB LOP = 10 POINTS
1 POINT = 1 DRAW PRIZE ENTRY

Letters of Protest Leader Board



Brenda Brownlee

Moderator · August 1



FINAL Leaderboards - we made it to 450 LOPs filed!!! Isn't it incredible what we can accomplish in a little over a month?! Thank you to all who have participated. You all deserve major kudos for your efforts!

TMWD CHALLENGE LEADERBOARD - OVERALL TALLY				D CHALLENGE LEADERBOARD 7/27	
NAME	PRE-PUB LOP	POST-PUB LOP	TOTAL POINTS	PRE-PUB LOP	POST-PUB LOP
Erya Cozroy	101	210	311		
Nisa Kohl	87	150	247		
Beverly Radue	86	60	146		12
Amber Timmerman	36		36		
Paige Parker		30	30		10
Cley Gabagan	10		10		
Lorena Shigo	12		12		3
Gerald Hylle	9		9		
Dwight Graf	9		9		9
Andrew Jansney	8		8		
Allie Smaha	6		6		7
Tara Reed	6		6		
Tim Jensen	6		6		1
Jordys Griffin	4		4		1
Alice Good	4		4		
Susmiya B Salim	4		4		1
Shell Johnson	3		3		
Ryan Raymond	3		3		1
Charles Booe	2		2		
Allison Scott	2		2		1
Ariana Marshall	2		2		
Greg Heep	2		2		1

👍❤️😱 34

9 Comments 1 Share

Targeting Lawyers

Edit History



Rhonda Watters

3 hours ago · 6

Here is a list of the lawyers I know of that are working with people that are filing some frivolous trademark applications.

You can use this in the Free Form (3rd) box '**Word and/or Design Mark Search (Free Form)**' on <http://tmsearch.uspto.gov>

(NAME)[AT] AND 025[IC] AND 4[MD] (you can change the class to whatever you want or remove that part altogether. The 4[MD] will bring back the 4 - Standard Character Mark TM's)

Just know that not all the results are by the attorney listed as it is pulling back other attorneys with the same first name but it still displays a bunch that should be added to airtable. Also note that the higher the Serial number, the newer the application is so there are lots that are newly filed for so it's easy to file a Pre-Publication LOP on.

Sometimes using the first box '**Basic Word Mark Search (New User)**', entering the attorney name in the Search Term box and then changing the Field drop down to 'ALL' will bring back results for that attorney too. So between the 2 different ways to search you will find lots of applications for frivolous applications that LOP's can be filed on.

When you find one use this link to check to see if we have it in our airtable already. <https://airtable.com/shrHQCCbaHOLwwDWg/tblzCe3ZJ745FONV1>

If it isn't in the airtable then use this link to submit it to us.
<https://airtable.com/shrHJTU6vFSPIaOHn>

Abraham Lichy

Andrea Sager

Angela Langlotz

Exhorting TWD Members to file more Letters of Protest



Beverly Racine shared a link.

Conversation Starter · July 29

We need to stay on top of TMs we are interested in, or file a LOP for. Here is an example of one that we have in our LOPS NEEDED airtable, has LOTS of evidence, super common phrase, had a NON-FINAL ACTION, but the applicant overcame it, and it is now PUBLISHED FOR OPPOSITION, but the date is past the 30 day window, so we can't do anything about it:

http://tsdr.uspto.gov/#caseNumber=87514225&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch

And do a search on the other TMs this guy has applied for, a frivolous filer:
(TeeStars LLC)[OW]

TSDR.USPTO.GOV
Trademark Status & Document Retrieval
If you are the applicant or the applicant's attorney and have questions about this file, please contact the Trademark Assistance Center

7

30 Comments

Like

Comment



Ken Reil Another one to put on the radar

Like · Reply · 8w

2



Richard Quigly When one sees a phrase like this, it really makes one wonder just who approved this and why. It shouldn't even need a LOP to be submitted.

Like · Reply · 8w

7




Beverly Racine Yup. Look at their specimen. Ornamental phrase put on the bottom of a coffee mug OBVIOUS MOCK UP to make it look like a brand name.

Like · Reply · 8w

1

Campaign To Protest The Imposition Of A Fee To File Letters Of Protest

Note: They claim to have filed more than 1,000 Letters of Protest thus far.



Ken Reil
Admin · 14 hrs

I'm going to be blunt regarding the \$100 fee proposal by the USPTO for filing any LOP (letter of protest)

Ask yourself two questions:

1. Is your name on this list?

<https://www.uspto.gov/about-us/performance-and-planning/public-comments-setting-and-adjusting-trademark-fees?fbclid=IwAR2RNkdQkWJMyaqH1E--NUrqs6vIGXEeq5la9X-wA4Jy2aiXZE09oeXdVIXA>

2. If the answer is No. Why haven't you written a letter?

(Note - some names are missing that we know have filed)

The hard deadline for USPTO comment submissions is Sept 30th. We have no other chance to have an impact. We need to triple the number of names on this list at a minimum. We have 9 days to do so. The clock is running out.

Send your email comments to:

TMFRNotices@uspto.gov

For help please review [Christina Sisson's](#) comments in the linked posts below. We are here to help. Reach out and ask. Tag any admin if you feel confused on this. Please take 5-10 minutes to file an official comment. This may be the most important thing this group does past, present, or future. Nothing else matters this week.

Realize that the ~1000 LOP's we have filed would cost us \$100,000 in fees to file if this goes through. Let that sink in.

Draft letter (please use and modify)
<https://www.facebook.com/groups/TrademarkWatchDawgs/permalink/798249663910005/>

Original Information Post:
<https://www.facebook.com/groups/TrademarkWatchDawgs/permalink/797304000000000/>

Letter Templates to Protest the Proposed Letter of Protest Fee

Trademark Watch
Dawgs - Stop Frivolous Trademarks
Closed group

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 **Christina Sisson** created a poll.
Moderator · August 29 at 7:02 PM

PLEASE READ THIS - This is one of the most important ACTIONS that we have ever asked this group to participate in!

If you aren't aware there is a proposal by the USPTO to start charging everyone a **\$100-200 fee to submit a Letter of Protest (LOP)**!

It's a bit unclear on the deadline for public comments on this proposed increase, but the deadline may be next Friday, **September 9**.

We need everyone's help with this initiative otherwise this could be absolutely disastrous for us in the war against frivolous trademarks! We would never be able to afford to fight the number of frivolous trademarks that we do if we were suddenly required to send \$100-200 per LOP!

1. Create an email response to this proposed fee

Create an email with your concerns about this proposed fee and any other comments and concerns you have about the broken trademark system - *this is our chance to have our voices heard!*

I have heard some people say that in their letter they suggested charging a \$100-\$200 fee to the person filing the trademark if it is deemed frivolous - which I think is a FANTASTIC suggestion!

These emails will be public record, so if you do not want your email address available publicly, create a new email address to send your email. Any information you put in the email will also be public record, so keep that in mind if you are sharing anything personal.

2. Send your email to these 3 addresses

You can put all 3 in the address line or the cc line - no need to send 3 separate emails.

fee.setting@uspto.gov
TMFRNotices@uspto.gov
catherine.cain@uspto.gov

2. Vote below to tell us you've sent an email

Please take a few minutes of your time to send an email to the USPTO about this! If this new fee gets approved it will allow for the abuse of

Still Trying to Get More Manufactured Letters in To Protest the Fee

Trademark Watch Dawgs - Stop Frivolous Trademarks
Closed group

- About
- Discussion**
- Units
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Search this group

Shortcuts



JT Glascock
September 22 at 11:07 PM

Thanks for the push [Ken Reil](#) . For those of you wanting a slightly shorter version of [Christina Sisson's](#) letter, mine is below:

To Whom It May Concern:

As a new small business owner in the retail space, I quickly learned that what I read in the guidelines on the uspto.gov website is not what was actually occurring in the trademark world with regard to class 025 specifically. I see many trademarks filed for class 025 that should never be considered based on USPTO's own guidelines.

Widely-used words such as "Dogs", "De Nada" ("Your Welcome" in Spanish), and "Mashed Potatoes" have a registration number meaning that at a minimum they made it past the examining attorney's "complete examination" as defined by the Trademark Manual of Examining Procedure (TMEP). In reality, the words above, any many more, should instead have received a "failure-to-function" refusal on the grounds that the word(s) does not function as a trademark or service mark. And yet they have not.

My only recourse is to file a letter of protest (LOP). In 2019, there have been so many LOPs filed against frivolous trademarks that the USPTO has proposed a \$100 fee for each. LOPs are only necessary because small business owners have not been properly protected by the USPTO.

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

Sincerely ,
Jill Glascock
Small Business Owner

73

29 Comments

Like

Comment



Beverly Racine Very well written. Also email all your friends and ask them to send a quick email. Post on your own Facebook page asking for them to send an email. Also retweet [#stopfrivoloustrademarks](#) on Twitter.

Like · Reply · 5d

2



JT Glascock Beverly Racine I just put my spin on [Christina Sisson's](#) letter.