

From: [Victoria Miller](#)
To: [TM FR Notices](#)
Cc: [Cain, Catherine](#)
Subject: Written Comments on Proposed Patent Fee Setting and Adjusting Proposal to PPAC
Date: Monday, September 23, 2019 12:32:41 PM

To Whom It May Concern:

As a new small business owner in the retail space, I 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. 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 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 and many more I list below should 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 that have not.

The list of widely-used words with registration numbers is large.

GINGER 5522713
DUH 5535385
THIS IS JUST GENIUS 5741096
REMATCH 5693289
IT'S A BEAUTIFUL DAY TO BE ALIVE 5658196

1970 5651855
HIPPIE VIBE 5613418
I ONLY MAKE BOYS 5576414
WE ALL HAVE OUR MOMENTS 5570168
DO GOOD BE KIND 5563924
TV DAD 5550878
TEQUILA KILLS 5545986
WAR 5544499
NEIGHBORHOOD 5505435
BE THE MAN 5489044
BIRD NERD 5417471
GREETINGS FROM 5381513
THE BEST KIND OF DAD 5313209
MEGALODON 5306714
GREATEST GUITARIST EVER 5287747
BUSY MOM 5250857
NOT TODAY 5247946
VOLLEYBALL LIFE 5180887
MOMMY TO BE 5133777

FOOTBALL MOM 4783661
BASEBALL MOM 4783660
SOFTBALL MOM 4783658
I LOVE MY BIG SISTER 4749476
I WORK HARD 4686987
I LOVE MY WIFE 4541673
WHAT'S YOUR SUPERPOWER? 4169154
NO SLEEP 3812057
ADULTING & SCREAMING 5553248
I'M THE BIG BROTHER 2166736
I'M THE BIG SISTER 2153621
WORKING HARD SO MY DOG CAN HAVE A GOOD LIFE 5534946
EVERYTHING OFFENDS ME 5555286
I WILL WIN 5542855
MISTAKES 5544220
DOGS 5843989

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 letter filed. 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 ,

A handwritten signature in black ink that reads "Victoria J. Miller". The signature is written in a cursive, flowing style.

Victoria J. Miller, Owner
Bluebonnet Graphics
2201 Merseyside Dr.
Woodbridge, VA 22191
703-878-4965
victoriajmillier@gmail.com