

From: [3rd Shift Brain Respiratory Apparel](#)
To: [TM FR Notices](#)
Subject: LOP Fees
Date: Monday, September 23, 2019 9:46:26 PM

I'm sure you can understand my frustration when I discovered that the USPTO is proposing to begin charging a fee of \$100-\$200 for each LOP submitted by small business owners like me, which we have to file in order to prevent trademarks from being registered that clearly violate the guidelines set forth in the TMEP, U.S.C. and the C.F.R. I'm pleading that the Commissioner for Trademarks or someone on their team take a close look at the system of checks and balances to ensure that Examining Attorneys are indeed conducting a "complete examination" according to your guidelines. I'm also asking that you remove any consideration of charging a fee for LOP's until changes have been made at the USPTO ensuring that the constitutional basis for trademarks is being followed. Additionally, if a fee must be charged, I would propose charging a fee to applicants whose applied-for mark does not function as a mark and receives a "failure-to-function" refusal according to TMEP904.07(b). This may help reduce the current influx of frivolous trademark applications being submitted to the USPTO. Please feel free to reach out to me with any further questions.

A Concerned Small Business Owner, David Rogers