



7 July 2016

The Honorable Michelle K. Lee
Under Secretary of Commerce for Intellectual Property &
Director of the United States Patent and Trademark Office
United States Patent and Trademark Office
Mail Stop CFO
P.O. Box 1455
Alexandria, Virginia 22313-1451
Attention: Jennifer Chicoski

Via email: TMFRNotices@uspto.gov

Re: IPO Comments on Proposed Trademark Fee Adjustments

Dear Director Lee:

Intellectual Property Owners Association (IPO) submits the following comments on the
United States Patent and Trademark Office's request for comments on the proposed
Trademark Fee Adjustments (81 Fed. Reg. 33619).

IPO is an international trade association representing companies and individuals in all
industries and fields of technology who own, or are interested in, intellectual property
rights. IPO's membership includes about 200 companies and more than 12,000
individuals who are involved in the association either through their companies or as
inventor, author, law firm, or attorney members. IPO membership spans 43 countries.

IPO advocates for effective and affordable IP ownership rights and provides a wide array
of services to members, including supporting member interests relating to legislative and
international issues; analyzing current intellectual property issues; information and
educational services; and disseminating information to the general public on the
importance of intellectual property rights.

IPO appreciates the opportunity to provide comments before the publication of the final
trademark fee schedule.

1. Fees for Paper Filings

The proposed fees for paper filings are substantially greater than those proposed for
electronic filings. For example, the filing fees for a paper application will increase from
\$375.00 to \$600.00 per class, an increase of 60% or \$225.00 per class. In contrast,
electronic filing fees will increase by 24% or \$75.00.

President
Kevin H. Rhodes
3M Innovative Properties Co.
Vice President
Henry Hadad
Bristol-Myers Squibb Co.
Treasurer
Daniel J. Staudt
Siemens

Directors
Steven Arnold
Micon Technology, Inc.
Stephen W. Bauer
Medtronic, Inc.
Edward Blocker
Koninklijke Philips N.V.
Tina M. Chappell
Intel Corp.
Karen Cochran
Shell International B.V.
John Conway
Sanofi
William J. Coughlin
Ford Global Technologies LLC
Anthony DiBartolomeo
SAP AG
Daniel Enebo
Cargill, Inc.
Barbara A. Fisher
Lockheed Martin
Louis Foreman
Enventys
Scott M. Frank
AT&T
Darryl P. Frickey
Dow Chemical Co.
Gary C. Ganzi
Evoqua Water
Technologies LLC
Krish Gupta
EMC Corporation
Heath Hoglund
Dolby Laboratories
Carl B. Horton
General Electric Co.
Philip S. Johnson
Johnson & Johnson
Thomas R. Kingsbury
Bridgestone Americas
Holding Co.
Charles M. Kinzig
GlaxoSmithKline
William Krovatin
Merck & Co., Inc.
Dan Lang
Cisco Systems, Inc.
Allen Lo
Google Inc.
Timothy Loomis
Qualcomm, Inc.
Thomas P. McBride
Monsanto Co.
Elizabeth McCarthy
Avaya, Inc.
Todd Messal
Boston Scientific Co.
Steven W. Miller
Procter & Gamble Co.
Micky Minhas
Microsoft Corp.
Rimma Mitelman
Unilever
Douglas K. Norman
Eli Lilly and Co.
Richard F. Phillips
Exxon Mobil Corp.
Dana Rao
Adobe Systems Inc.
Curtis Rose
Hewlett-Packard Enterprise
Matthew Sarboraria
Oracle Corp.
Manny Schecter
IBM, Corp.
Steven Shapiro
Pitney Bowes Inc.
Jessica Sinnott
DuPont
Dennis C. Skarvan
Caterpillar Inc.
Brian R. Suffredini
United Technologies, Corp.
James J. Trussell
BP America, Inc.
Phyllis Turner-Brim
Intellectual Ventures, LLC
Roy Waldron
Pfizer, Inc.
BJ Watrous
Apple Inc.
Stuart Watt
Amgen, Inc.
Steven Wildfeuer
RELX Group
Mike Young
Roche Inc.

General Counsel
Michael D. Nolan
Milbank Tweed

Executive Director
Mark W. Lauroesch

INTELLECTUAL PROPERTY OWNERS ASSOCIATION

We understand the proposed increases are aimed at better aligning fees with costs and improving the efficiency of the trademark process over all. Unfortunately, the drastic differences between the fee increases for paper versus electronic filings might disadvantage certain applicants. Applicants who are still using paper filing do so likely due to limited resources for filing electronically. The increased fees might discourage some of those applicants from filing in the first instance or force them to abandon their existing applications or registrations.

We believe that the Office's stated goal of incentivizing electronic filing could be accomplished at lower fee levels than presently proposed for paper filings.

2. Fees for Electronic Filing

We appreciate that the USPTO has not proposed to increase the \$150 per class fee for an extension of time to file a statement of use via the Trademark Electronic Application System (TEAS). We also appreciate that the USPTO has acknowledged that this fee places a disproportionate burden on U.S. applicants. We understand that it costs the Office only \$17 to process an extension of time to file a statement of use filed via TEAS, no matter the number of classes.¹ Given this disparity, we encourage the USPTO to lower this fee.

3. Ex Parte Appeal Fees

The notice proposes increasing the fee for filing an ex parte appeal by \$200 per class. Applicants often file appeals to buy time while the Office considers a request for reconsideration. We suggest that it would be more appropriate to maintain the current fee level and require a subsequent fee if the applicant actually files an appeal brief.

4. Fees During System Outage

Finally, the difference between the cost of paper and electronic filings should be waived if the USPTO electronic filing system is unavailable.

We thank you for considering these comments and would welcome any further dialogue or opportunity to provide additional information to assist your efforts in setting trademark fees.

Sincerely,



Mark W. Lauroesch
Executive Director

¹ The processing cost information was included in the USPTO's first fee proposal in 2015.