

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
<http://www.hklaw.com>

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PAUL F. KILMER
202-663-7269

Internet Address: pkilmer@hklaw.com

VIA E-MAIL

Mr. Ronald Hack
Under Secretary of Commerce for Intellectual
Property and Director of the U.S. Patent
And Trademark Office
Washington, D.C. 20231

Re: Plan to Remove Paper Files - Fed. Reg. Notice of August 27, 2001
(Vol. 66, No. 166, pp. 45012 - 45014)

Dear Mr. Hack:

This will constitute the response of Carol Matthews, Thomas Brooke and myself to the referenced Federal Register notice and request for comments. We are all partners in the Intellectual Property Law group of the firm of Holland & Knight LLP, which has more than 1,200 attorneys in 27 offices worldwide. Holland & Knight was ranked 4th nationwide by *Intellectual Property Today* in its survey of "Top Trademark Firms" for the year 2000.

We stand **opposed** to the proposal to remove paper records regarding trademarks from the public search facilities of the U.S. Patent and Trademark Office. Although there may come a time when immediate public access to paper records regarding trademarks is unnecessary, for the reasons set forth below, we do not believe that time has yet arrived.

The specific issues that the current electronic records do not adequately address are:

a. Design searching is not adequate or reliable through the online records and numerous errors continue to exist in those records due to lack of adequate quality control.

b. Word mark records on the electronic system are inaccurate and quality control remains lacking.

c. Cancelled, expired and abandoned records prior to 1982 are not available online and may only be searched on microfilm or through the paper records.

d. As the experience with assignment records has proven, sending paper records to an archive or other facility effectively denies the public availability to that resource.

e. Searching phonetic equivalents and punctuated marks (e.g. hyphenated marks or marks with an apostrophe) is unreliable on the current electronic system.

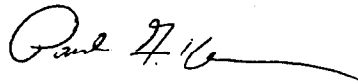
f. The current electronic system (X-Search) is different from the public TESS system and therefore functionally unavailable to those outside of the Patent and Trademark Office.

In time, perhaps these serious deficiencies in the current system can be remedied. However, we do not believe that this is the time to remove the paper records from the Trademark Office and deny the public access to that invaluable resource.

Thank you for your consideration of this letter. Should you have any questions regarding the foregoing, please feel free to call on us.

Very truly yours,

HOLLAND & KNIGHT LLP



Paul F. Kilmer
Carol L.B. Matthews
Thomas W. Brooke