



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks

APR 22 2008

Mr. Jonathan L. Handel
TroyGould
1801 Century Park East, 16th Floor
Los Angeles, CA 90067

Dear Mr. Handel:

Thank you for your recent e-mail to the Honorable Jon Dudas, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ("USPTO"), dated April 1, 2008, regarding your article, Jonathan L. Handel, *Mark My Words, Los Angeles Lawyer*, April 2008 at 22. Director Dudas has forwarded your e-mail to me for response.

Congress and the courts have determined that titles of a single work are not eligible subject matter for Federal trademark registration absent proof of secondary meaning. The combination of Congressional and court guidance form the foundation of the USPTO's policy and procedures for refusing registration of the title, or a portion of a title, of a single creative work under §§ 1, 2 and 45 of the Trademark Act, 15 U.S.C. §§ 1051, 1052 and 1127.

The USPTO implements the refusal to register titles of a single work to the best of its ability. We are always interested in suggestions that help us more accurately and consistently apply statutory and regulatory requirements. Conversely, we have no interest in suggestions that purport to - or actually do - subvert laws and court decisions. Again, thank you for bringing our attention to your article.

Sincerely,

Lynne Beresford
Commissioner for Trademarks