

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

November 10, 2014

Daniel Ballard  
State of California

take into account the fact that Respondent's mark is a certification mark registered with the United States Patent and Trademark Office ("PTO"), and does not analyze whether Respondent's mark is eligible for cancellation. You do not propose any revisions to the draft complaint or the consent agreement.

The draft complaint and consent agreement take no position regarding whether Respondent has failed to control its certification mark or whether the mark is ripe for cancellation. Rather, the purpose of the agreement is to prevent consumer deception arising from Respondent's use of its mark. By prohibiting Respondent from misrepresenting the extent to which it has independently and objectively evaluated the products it certifies and requiring respondent to have competent and reliable evidence to substantiate its claims, the agreement achieves those goals. Nothing in the agreement would prevent challenges to respondent's mark before the Trademark Trial and Appeal Board.

Therefore, a