

Helen Jiang

From: Michael Chen <m@tallmenshoes.com>
Sent: Thursday, November 08, 2018 1:15 PM
To: 'Helen Jiang'
Subject: RE: U.S. TRADEMARK APPLICATION NO. 88049284 - TALLMENSHOES.COM - tallmenshoes

Hi Helen,

It seems like the trademark examiner mistook us for selling “tall men’s shoes”. Our product “elevator shoes” actually target shorter audiences. We can prove this by providing the CALTO mark we owned.

Can we say TALLMENSHOES is a metaphor that the shoes to make you taller? If it is not easy to understand then it is not that descriptive. It is a 20 years old domain name that we happen to use for very long. Back then we don’t even have a very good understanding of its meaning.

It is like a antonym (not sure if antonym will work as a trademark, may need a case study). I am not sure what evidence can proof the distinctiveness of our service but TALLMENSHOES.COM is a well-recognized domain in the industry.

I think the original initiative was to get the word mark “tallmenshoes.com” as in one word for our web domain authority.

We will also take TALLMENSHOES as a mark if possible. But that may be even more descriptive.

To help out some of the response requested:

- 1) Do any of applicant’s retail store services feature or otherwise sell shoes for tall men?
 - a. NO.
- 2) Is “tall men shoes” or “tall men’s shoes” a category of goods that may be found within applicant’s online retail store?
 - a. NO.
- 3) Is “tall men shoes” or “tall men’s shoes” a category of goods that may be found within any retail establishment that sells footwear?
 - a. Not that I know off.
- 4) Is “tall men shoes,” “tall men’s shoes,” or “shoes for tall men” a recognized category of goods in the footwear industry?
 - a. Big size shoes yes. Typically people don’t say “Tall Men’s Shoes”
- 5) Does the wording “tall men shoes” have any other meaning in relation to applicant’s identified services?
 - a. Like mentioned, a metaphor to make short men taller.

Feel free to call me anytime to discuss 626-675-7768.

Thank you!