

From: [Melissa- Life's High Points, LLC](#)
To: [TM FR Notices](#)
Subject: Letter of Protest Proposed Fee
Date: Monday, September 23, 2019 9:54:44 AM

To Whom It May Concern:

As a small business owner in the retail space, I quickly learned that what I read in the guidelines on the [uspto.gov](#) website is not what was actually occurring in the trademark world with regard to class 025 specifically. I see many trademarks filed for class 025 that should never be considered based on USPTO's own guidelines.

Widely-used words such as "Dogs", "De Nada" ("Your Welcome" in Spanish), and "Mashed Potatoes" have a registration number meaning that at a minimum they made it past the examining attorney's "complete examination" as defined by the Trademark Manual of Examining Procedure (TMEP). In reality, the words above, and many more should instead have received a "failure-to-function" refusal on the grounds that the word(s) does not function as a trademark or service mark. And yet that has not.

Some other examples (including ones that have PERSONALLY AFFECTED ME) are:

[87070847](#)

GREETINGS FROM

[85498719](#)

BIRTHDAY GIRL

[75254354](#)

I'M THE BIG SISTER

[74704901](#)

I'M THE BIG BROTHER

[87143941](#)

I'D RATHER BE SLEEPING

[87941940](#)

THE NAUGHTY LIST

My only recourse is to file a letter of protest (LOP). In 2019, there have been so many LOPs filed against frivolous trademarks that the USPTO has proposed a \$100 fee for each. LOPs are only necessary because small business owners have not been properly protected by the USPTO.

I am asking that the Commissioner of Trademarks remove any consideration of charging a fee of \$100 per LOP until changes have been made to ensure the TMEP is being followed. This fee will harm my ability as a small business owner to continually protest when the government agency whose duty it is to uphold the trademark laws is negligent in doing so.

Sincerely,

Melissa Schultz

Small Business Owner