

To: Bruce Goldner(bgoldner@skadden.com)
Subject: U.S. Trademark Application Serial No. 97120198 - HCD - 234920/1
Sent: August 23, 2022 02:49:43 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97120198

Mark: HCD

Correspondence Address:

BRUCE GOLDNER
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NEW YORK NY 10001-8602 UNITED STATES

Applicant: Human Capital Development, LLC

Reference/Docket No. 234920/1

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NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be [abandoned](#). Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

[Search](#)

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SUMMARY OF ISSUES:

- Recitation of services and related multiple class application requirements
- Fee for losing Teas Plus status

Recitation of services

The identification of services is indefinite and overly broad and must be clarified as detailed in brackets below. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Note that applicant's recitation of services is very awkwardly worded and it is not clear what actual services applicant is providing. It is not clear what the development of education refers to-is applicant developing some sort of educational materials or is applicant merely providing the training etc which furthers users education? Further, it is not clear what "online services and other educational technologies" references.

Applicant may adopt the following wording, if accurate:

[clarify the nature of the services and classify accordingly, as discussed above, eg:

Educational services, namely, providing training, seminars and classes in the field of communication technologies, in class 41 (The field of "technology" is also unclear and needs to be further clarified for this entry).

Education services, namely, developing curriculum for educators to use in training, seminars and classes in the field of technology, in class 41

Developing educational computer software for use in online training, seminars and classes in the field of technology, in class 42]

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

Additional class requirements

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act

Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Fee for Losing Teas Plus status

Processing fee required. Applicant must submit an additional processing fee of \$100 per class because the application as filed did not meet the TEAS Plus application filing requirements. *See* 37 C.F.R. §2.22(a)(7), (c); TMEP §§819.01(g), 819.03. Specifically, the application did not include only identifications of goods and/or services from the [U.S. Acceptable Identification of Goods and Services Manual](#). TMEP §819.01(g); *see* 37 C.F.R §2.22(a)(7).

In this case, the application identified one or more goods and/or services from the ID Manual that used a fill-in-the-blank format. However, applicant inserted wording in the identification that is clearly inappropriate or unrelated to the selected goods and/or services. By inserting inappropriate wording, applicant has, in effect, failed to submit an identification from the ID Manual and thus did not satisfy this application filing requirement. *See* 37 C.F.R §2.22(a)(7); TMEP §819.01(g).

The additional processing fee is required regardless of whether applicant satisfies this requirement by deleting the unacceptable wording in the identification. TMEP §819.01(g).

Accordingly, the application will no longer be treated as TEAS Plus; it is now considered a TEAS Standard application.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97120198

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

Note To The File

Serial Number: 97120198
Date: 08/23/2022 12:37 pm
Created by: Rebecca Gilbert



HCD

Searched

- Google
- OneLook
- Acronym Finder

User: Rebecca Gilbert

Statistics for Case 97120198						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*hcd*[bi,ti]	82	1	47	47	0:01
2	("h c d" or "hc d" or "h cd")[bi,ti]	3	1	1	1	P/0:02
3	chd[bi,ti]	44	0	18	18	P/0:00
4	("c h d" or "ch d" or "c hd")[bi,ti]	8	0	3	3	P/0:01
5	cdh[bi,ti]	17	0	8	8	P/0:00
6	("c d h" or "cd h" or "c dh")[bi,ti]	3	0	3	3	P/0:00
7	hcd[bi,ti]	38	1	14	14	P/0:00
8	260111[dc]	15059	0	0	0	0:00
9	260108[dc]	28702	0	0	0	0:00
10	(8 or 9) and *hcd*[bi,ti]	4	0	3	3	0:00
11	(8 or 9) and *chd*[bi,ti]	7	0	4	4	0:00
12	(8 or 9) and *cdh*[bi,ti]	0	0	0	0	0:00
13	(8 or 9) and *cdh*[bi,ti]	0	0	0	0	0:00
14	(8 or 9) and ("035" or "041" or "036" or a or b or "200")[ic]	14192	0	0	0	0:01

Session started 08/23/2022 10:34 am

Session ended 08/23/2022 11:12 am

Total search duration 5.00

Session duration 37 minutes 39 seconds

Adjacency Level 1

Near Level 1