**To:** Bruce Goldner(bgoldner@skadden.com)

Subject: U.S. Trademark Application Serial No. 97120194 - HCD - 234920/1

**Sent:** August 23, 2022 02:14:53 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. 97120194

Mark: HCD

**Correspondence Address:** 

BRUCE GOLDNER SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP ONE MANHATTAN WEST NEW YORK NY 10001-8602 UNITED STATES

**Applicant:** Human Capital Development, LLC

Reference/Docket No. 234920/1

Correspondence Email Address: bgoldner@skadden.com

#### NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. 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

#### Recitation of services

The identification of services is indefinite and overly broad as to the administration services because financial administration is only in class 36 when it is in connection with class 36 subject matter. Here, the subject matter is not clearly in class 36, especially as to human capital development. 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.

Applicant may adopt the following wording, if accurate:

Financial advisory and consultancy services, namely, financial research, evaluation, analysis, management, advising, and information services in the field of human capital development, private equity and investment management, including with respect to special purposes acquisition companies (SPACs) and private equity funds, in class 36 [note that the only difference between this identification and the original identification is that "administration" has been deleted]

[clarify the nature of the administration services and classify accordingly eg Financial advisory and consultancy services, namely, financial administration of retirement plans featuring private equity funds and investments, including with respect to special purposes acquisition companies (SPACs), in class 36]

Note that "financial administration in the field of human capital development" does not appear to be logical or an actual service. Human capital would be employees, but it is not clear how one would do financial administration of the development of employees. Such appears to be inadvertently included and must be modified to be clear or deleted.

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.

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.

/Rebecca Gilbert/
Rebecca Gilbert
Trademark Examining Attorney
Law Office 103
(571) 272-9431
rebecca.gilbert@uspto.gov

#### **RESPONSE GUIDANCE**

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> 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** <u>contact information for the supervisor</u> 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. 97120194

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 <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

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

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> 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: 97120194 Date: 08/23/2022 12:34 pm Created by: Rebecca Gilbert



## Searched

- Google
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- Acronym Finder

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Serial Number: 97120194 Date: 08/23/2022 12:34 pm Created by: Rebecca Gilbert



## Searched

- Google
- OneLook

User: Rebecca Gilbert

Statistics for Case 97120194						
#	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