

**To:** Jeffrey H. Greger([jeffreyhgregerpc@gmail.com](mailto:jeffreyhgregerpc@gmail.com))  
**Subject:** U.S. Trademark Application Serial No. 97119638 - HOME VISTA - HOMEVISTA-01  
**Sent:** August 24, 2022 05:19:49 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[screenshot-www-davincivirtual-com-loc-us-virginia-alexandria-virtual-offices-facility-3357-16613484559501](#)

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

**U.S. Application Serial No.** 97119638

**Mark:** HOME VISTA

**Correspondence Address:**

JEFFREY H. GREGER  
JEFFREY H. GREGER, PC  
5006 KENERSON DR.  
FAIRFAX VA 22032 UNITED STATES

**Applicant:** Home Vista LLC

**Reference/Docket No.** HOMEVISTA-01

**Correspondence Email Address:** [jeffreyhgregerpc@gmail.com](mailto:jeffreyhgregerpc@gmail.com)

**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 24, 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 OF USPTO DATABASE OF MARKS**

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**

- Disclaimer requirement
- Clarification of domicile address required
- Requirement for acceptable identification of goods and services

## **DISCLAIMER REQUIREMENT**

Applicant must disclaim the wording “HOME” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The identification of goods and services indicates the field includes home renovation, home repair, and home improvement. Thus, the wording HOME describes a field of use of the goods and services.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “HOME” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

A “disclaimer” is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

## **CLARIFICATION OF DOMICILE ADDRESS REQUIRED**

Applicant must clarify its domicile street address because the domicile address of record identifies a mail forwarding service and virtual office and does not appear to be applicant’s permanent legal place of residence or principal place of business. *See* 37 C.F.R. §§2.11(b), 2.189; TMEP §601.01(b)(1). As the attachments show, the address is for a virtual office with mail receipt and forwarding services. A domicile address must identify either (1) the permanent legal place of residence, which is the place an individual applicant resides and intends to be the applicant’s principal home; or (2) the principal place

of business, which is the juristic applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. *See* 37 C.F.R. §2.2(o)-(p); TMEP §803.05(a). All applications must include the applicant's domicile address, which is required for a complete application. *See* 37 C.F.R. §§2.22(a)(1), 2.32(a)(2), 2.189.

In this case, the application record lists applicant as a juristic entity - limited liability company - and specifies applicant's domicile as a post office box or mail forwarding service instead of a street address. In most cases, a post office box or mail forwarding service is not acceptable as a domicile address because it does not identify the location of applicant's headquarters where the entity's senior executives or officers ordinarily direct and control the entity's activities. *See* 37 C.F.R. §2.2(o)-(p); TMEP §601.01(b)(1).

**Response options.** Applicant must provide its domicile street address. *See* 37 C.F.R. §2.32(a)(2), 2.189; TMEP §803.05. Alternatively, applicant may provide (1) documentation showing that the listed address is, in fact, applicant's domicile, or (2) a detailed explanation supporting that applicant has no fixed physical address. *See* 37 C.F.R. §2.11(b); TMEP §601.01(b)-(b)(1).

**To provide applicant's domicile street address.** After opening the correct Trademark Electronic Application System (TEAS) response form and entering the serial number, (1) answer "yes" to question 5 and click "Continue;" (2) on the "Owner Information" page, in the "Domicile Address" field, uncheck the box stating the domicile and mailing address are not the same; and (3) below the checkbox provide applicant's domicile street address. Applicant's domicile street address will be hidden from public view if it is entered into the "Domicile Address" field. However, any street address listed in the "Mailing Address" field will be publicly viewable.

**To provide documentation to support applicant's domicile address.** Applicant should provide the most recent documentation showing that the address is the applicant's business headquarters, for example one of the following: (1) the most recent final annual or quarterly report or other similar report; or (2) a current, valid signed rental, lease, or mortgage agreement for office space. TMEP §601.01(b)-(b)(1); *see* 37 C.F.R. §2.11(b). Submitted documentation must show the name, listed domicile address, and the date of the document but should redact other personal and financial information.

To provide this documentation, open the correct TEAS response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page, below the "Miscellaneous Statement" field, click the button below the text box to attach documentation to support the U.S. street address.

**To provide a detailed explanation that applicant has no fixed physical address.** If applicant has no physical headquarters where its senior executives or officers ordinarily direct and control the business (e.g., because the business is conducted virtually), applicant should state for the record that applicant has no fixed physical address and provide a detailed explanation of the circumstances.

To provide this explanation, open the correct TEAS response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page, in the "Miscellaneous Statement" field, enter the referenced explanation in the text box.

## **REQUIREMENT FOR ACCEPTABLE IDENTIFICATION OF GOODS AND SERVICES**

The identification of goods and services is indefinite and must be clarified because it lacks the specificity required by the office or is otherwise unacceptable as noted below. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The USPTO has the discretion to determine the degree of particularity needed to clearly identify goods and/or services covered by a mark. *In re SICPA Holding*, 2021 USPQ2d 613, at \*4 (TTAB 2021) (quoting *In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007)). Accordingly, the USPTO requires the description of goods and/or services in a U.S. application to be specific, definite, clear, accurate, and concise. *In re tapio GmbH*, 2020 USPQ2d 11387, at \*6 (TTAB 2020) (quoting *In re Cordua Rests., Inc.*, 823 F.3d 594, 605, 118 USPQ2d 1632, 1639 (Fed. Circ. 2016)); TMEP §1402.01.

The identifications for software, SAAS, and PASS in International Classes 009 and 042 are indefinite and must be clarified to specify the purpose or function of the software in addition to the content or field of use already specified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). The USPTO requires such specificity in order for a trademark examining attorney to examine the application properly and make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000); TMEP §1402.03(d).

Further, please note that most of the consulting services are unclear as there are a variety of fields and it is uncertain what field the type of consulting is offered. This wording is indefinite because it does not specify the subject matter of the services. Further, this wording could identify services in more than one international class.

Consulting services are classified according to the subject matter of the consulting service; for example, "business management consultancy" is classified in International Class 35 and "computer technology consultancy" is classified in International Class 42. TMEP §1402.11(e).

### Suggested Amendments

Suggested amendments appear below in bold, explanatory information appears in brackets and is not part of the identification, and matter to be deleted, if any, is struck through. Please note that these suggestions are illustrative and not exhaustive. Applicant should refer to the Identification Manual referenced below for further guidance and suggestions of acceptable identifications.

Applicant may adopt the following identification, if accurate:

Class 009: Downloadable computer software for **{indicate function, e.g., managing}** residential and commercial construction, home improvement, remodeling and renovation, maintenance and repair, **and for** sourcing vendors and manufacturers for products and services; **downloadable computer software for residential and commercial construction, remodeling, and renovation** project management, cost estimating, **{indicate function, e.g., creating costs estimates for}** construction, remodeling and renovation; **downloadable computer software for designing residential and commercial construction; downloadable computer software for generating** recommendations and referrals **in the field of construction; downloadable computer software for {indicate function, e.g., creating and operating}** virtual reality and augmented reality features for home viewing, product viewing, and project rendition viewing **in the fields of residential and commercial construction**

Class 035: business management services **in the fields of {amended from "for" to clarify}** distribution of commercial and residential home improvement, remodeling, and construction goods and services for buyers and **sellers {corrected spelling}**, homeowners, contractors, vendors and

builders; providing **referral {corrected spelling}** service in the field of home improvement and remodeling; provision of **online {to clarify}**, virtual showroom services in the **field of home improvement construction and home improvement products and services {moved other aspects to Class 042 services}**; **{specify type, e.g., business}** consulting for all the foregoing

Class 037: provision of commercial **{indicate type, e.g., building}** and home renovation, construction, remodeling, maintenance and repair services and consulting for all the foregoing

Class 042: **Software as a services (SaaS) {providing full names}** and **platform as a service (PaaS) featuring software and platforms for {indicate function, e.g., word processing and database entry}** in the field of commercial and residential construction, home improvements, remodeling, renovation, maintenance and repair, sourcing and delivery of products from manufacturers, vendors and service providers; **{indicate type, e.g., computer software}** consulting for all the foregoing; **providing a website featuring technology featuring a virtual showroom allowing** contractors, vendors and homeowners to visualize and collaborate on remodeling projects and purchase construction and home improvement products and services

### Advisory

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). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

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.

## **INFORMATION REGARDING COMMUNICATIONS WITH TRADEMARK OFFICE**

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.

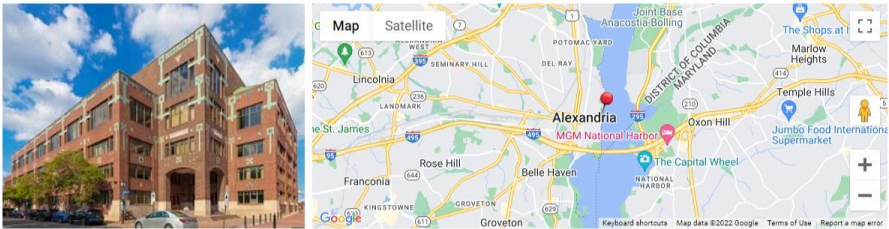
The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

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

/Mark Shiner/  
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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.



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Great customer service! I really have enjoyed working with Davinci's team and I feel confident I've made the right choice in virtual office spaces.




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**Bob**

I just got set up with virtual office services, and it was incredibly fast and easy. I didn't even need to leave my home office to get any of it done



**Ron B.**

They did exactly what I expected. Both the staff at the corporate office and the staff at the virtual office in CA were great to work with. I would use them again.

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## Frequently Asked Questions

### Question:

What is the cost to use the conference room(s) at your Alexandria, VA virtual office site?

### Answer:

We offer over 1500 virtual office locations. The prices vary by location. Please contact Davinci Virtual Customer Care or you can go online to [DavinciMeetingRooms.com](#) to check rates at specific meeting & conference facilities.

### Question:

What are the main features included for Alexandria, VA Location Services?

### Answer:

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- Mail & package receipt, dedicated locking mail box on site in most locations
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- Use of address for business license, business cards, website, etc.
- Local presence & drop off & pick up point for clientele
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Thank you for visiting Davinci Virtual. Our virtual office locations at 201 North Union Street in Alexandria, VA have everything to meet your virtual business needs. Find business centers, day offices, part-time offices, and other virtual meeting facilities all equipped with live receptionist services and professional lobby greeters. Ask about **call answering**, an **auto receptionist**, or **web chat services** for your virtual office at this prime address when you make your reservation. We will make your experience at our executive virtual office suites as smooth and effortless as possible.

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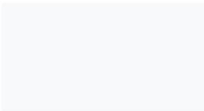
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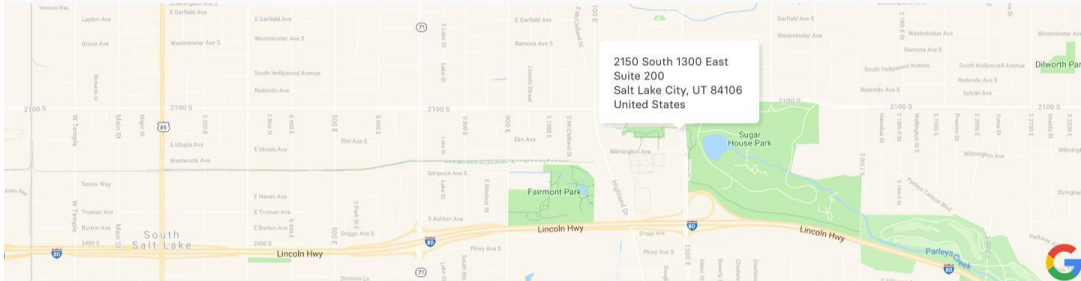
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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 24, 2022 for  
**U.S. Trademark Application Serial No. 97119638**

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: 97119638

Date: 08/24/2022 4:37 pm

Created by: Mark Shiner

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Statistics for Case 97119638						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97119638[sn]	1	0	1	1	0:00
2	"home vista"[on]	5	0	0	0	0:01
3	(*home* *hoam* *hou{"sz"}*)[bi,ti] and live[l d]	50778	0	0	0	0:01
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