

**To:** Norman E. Lehrer([patentsnj@yahoo.com](mailto:patentsnj@yahoo.com))  
**Subject:** U.S. Trademark Application Serial No. 97120667 - SCHOOLYARD - 7427-31  
**Sent:** August 25, 2022 03:12:50 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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### Attachments

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[screencapture-langevinschoolyard-wordpress-com-2012-08-19-cool-concrete-couches-16614508611821](#)  
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[screencapture-www-yankodesign-com-2021-05-05-these-smart-city-furniture-uses-solar-panels-creating-wifi-hotspots-charging-outlets-for-the-urban-environment-16614511927791](#)  
[screencapture-cw-global-net-this-smart-city-furniture-uses-solar-panels-to-provide-wifi-hotspots-and-charging-outlets-16614512948731](#)

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

**U.S. Application Serial No.** 97120667

**Mark:** SCHOOLYARD

**Correspondence Address:**

NORMAN E. LEHRER  
NORMAN E. LEHRER, P.C.  
52 BERLIN ROAD  
SUITE 1000  
CHERRY HILL NJ 08034 UNITED STATES

**Applicant:** School Outfitters, LLC

**Reference/Docket No.** 7427-31

**Correspondence Email Address:** [patentsnj@yahoo.com](mailto:patentsnj@yahoo.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 25, 2022

### **INTRODUCTION**

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

### **SEARCH RESULTS**

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

### **SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE**

Registration is refused because the applied-for mark merely describes a feature of Applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods. TMEP §1209.01(b); *see, e.g.*, *In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl& Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The applicant's mark is **SCHOOLYARD** for "Outdoor furniture; Plastic furniture for gardens; Non-metal storage boxes of plastic for general use".

Here, the wording "SCHOOLYARD" is defined as "the area next to or surrounding a school where students typically play games or sports" (See attached evidence from merriam-webster.com). In addition, the application identifies the goods as "Outdoor furniture; Plastic furniture for gardens; Non-metal storage boxes of plastic for general use". Moreover, the attached evidence indicates that furniture is commonly used in, and designed for, schoolyards, and the term "SCHOOLYARD" is commonly used in relation to outdoor furniture in the marketplace (See attached evidence from scheucherparket.at, langevinschoolyard.wordpress.com, couriermail.com, timesofmalta.com, nola.se, out-sider.dk, clauswiersma.nl, spruceandgander.com, yankodesign.com, and cw-global.net). In this case, the

wording "SCHOOLYARD" immediately conveys and merely describes a feature or purpose of applicant's identified goods, namely, furniture for schoolyards where students play.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

### ***Supplemental Register Advisory***

Although an amendment to the Supplemental Register would normally be an appropriate response to this refusal, such a response is not appropriate in the present case. The instant application was filed under Trademark Act Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76 has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the application effective filing date will be the date applicant met the minimum filing requirements under 37 C.F.R. §2.76(c) for an amendment to allege use. TMEP §§816.02, 1102.03; *see* 37 C.F.R. §2.75(b). In addition, the undersigned trademark examining attorney will conduct a new search of the USPTO records for conflicting marks based on the later application filing date. TMEP §§206.01, 1102.03.

To amend the application filing basis from an intent-to-use application under Trademark Act Section 1(b) to a use in commerce basis under Section 1(a), applicant must file, prior to approval of the mark for publication, an amendment to allege use that satisfies the requirements of 37 C.F.R. §2.76. See 15 U.S.C. §1051(c); 37 C.F.R. §2.35(b)(8); TMEP §§806.01(b), 1103.

The following must be submitted in an amendment to allege use in order to amend an application to use in commerce under Section 1(a):

- 1) The following statements: "Applicant believes applicant is the owner of the mark" and "the mark is in use in commerce."
- 2) The date of first use of the mark anywhere on or in connection with the goods and/or services.
- 3) The date of first use of the mark in commerce as a trademark or service mark.
- 4) The goods specified in the application.
- 5) A specimen showing how applicant uses the mark in commerce for each class of goods for which use is being asserted. If a single specimen supports multiple classes, applicant should indicate which classes the specimen supports rather than providing multiple copies of the same specimen.
- 6) A filing fee of \$100 per class for each international class of goods for which use is being asserted (current fee information should be confirmed at [http://www.uspto.gov/trademarks/tm\\_fee\\_info.jsp](http://www.uspto.gov/trademarks/tm_fee_info.jsp)).
- 7) Verification of the above (1) through (4) requirements in an affidavit or signed declaration

under 37 C.F.R. §2.20.

See 37 C.F.R. §§2.6(a)(2), 2.56, 2.76(b); TMEP §§1104.08, 1104.10(b)(v).

An amendment to allege use may be filed online at <http://www.uspto.gov/trademarks/teas/index.jsp>. An amendment to allege use is not considered a response to an Office action. 37 C.F.R. §2.76(h); TMEP §1104. Applicant must file a separate response to any outstanding Office action. TMEP §1104; see 37 C.F.R. §2.76(h).

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.\*\*](#)

/Crystal H. Yi/  
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(571) 270-0763  
[crystal.yi@uspto.gov](mailto:crystal.yi@uspto.gov)

## 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.

SINCE 1828

schoolyard

Dictionary Thesaurus

X 



## schoolyard noun

 Save

Word

school-yard | \ 'skül-yärd \  
plural **schoolyards**

### Definition of *schoolyard*

: the area next to or surrounding a school where students typically play games or sports

// He organized a marbles tournament that could take place only in the *schoolyard* during recess.

— Jerry Spinelli

// ... there was a schoolboyish quality to the way he did it—as if he were trying to show that he was the biggest, toughest boy in the *schoolyard*.

— Elizabeth Drew

—often used before another noun

// *schoolyard* games

// a *schoolyard* bully

**SUCCESS is in SESSION**  
BACK 2 SCHOOL



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**overwhelm** 

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## First Known Use of *schoolyard*

1586, in the meaning defined above

### Buying Guide

Our Reviews team has selected the best jump ropes for fitness.

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### Share *schoolyard*



### Dictionary Entries Near *schoolyard*

[schoolwork](#)  
[schoolyard](#)  
[school year](#)

[See More Nearby Entries](#)

### Cite this Entry

"Schoolyard." Merriam-Webster.com Dictionary, Merriam-Webster,  
<https://www.merriam-webster.com>

### Time Traveler for *schoolyard*

The first known use of *schoolyard* was in 1586  
See more words from the same year

### Statistics for *schoolyard*

[Look-up Popularity](#)  
Top 15% of words

### TEST YOUR VOCABULARY

Odd Habits and Quirks

Which of the following best describes an easily irritated person?

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[gregarious](#) [flashy](#)

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LouelRossCalleja · 13 May, 2019

Up at the crack of dawn to beat long queues and the sweltering summer heat, Filipinos on Monday headed to the SCHOOLYARDS and other public halls designated as their polling precincts, in an election for legislators and local executives that is expected to

...

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strengthen President Rodrigo Duterte's hold...[See more](#)

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FaNeshe · 23 January, 2021

I'm an EFL teacher. Teaching school buildings and places in a school is part of the program I teach, so I'm looking for the exact word for the space outside the classrooms where students gather during break time. Thank you.

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## More Definitions for *schoolyard*

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### **schoolyard** noun

school-yard | \skül-yärd\

#### **Kids Definition of *schoolyard***

: the playground of a school

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#### **More from Merriam-Webster on *schoolyard***

English: Translation of *schoolyard* for Spanish Speakers

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As illustrated by some very smart pups

badminton were places first

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## ASK THE EDITORS

**Literally**

How to use a word that (literally) drives some pe...

**'All Intensive Purposes' or 'All Intents and Purposes'?**

We're intent on clearing it up

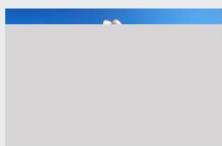
**Lay vs. Lie**

Editor Emily Brewster clarifies the difference.

**Hot Mess**

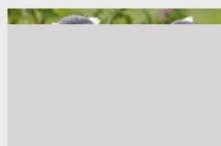
"The public is a hot mess"

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**Name That Thing**

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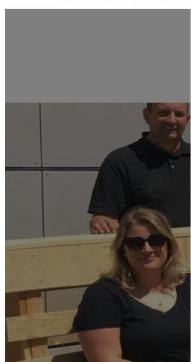
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Wood types

Oak p

Ash P

Black

Hard I

Black

Beech

CURRENT

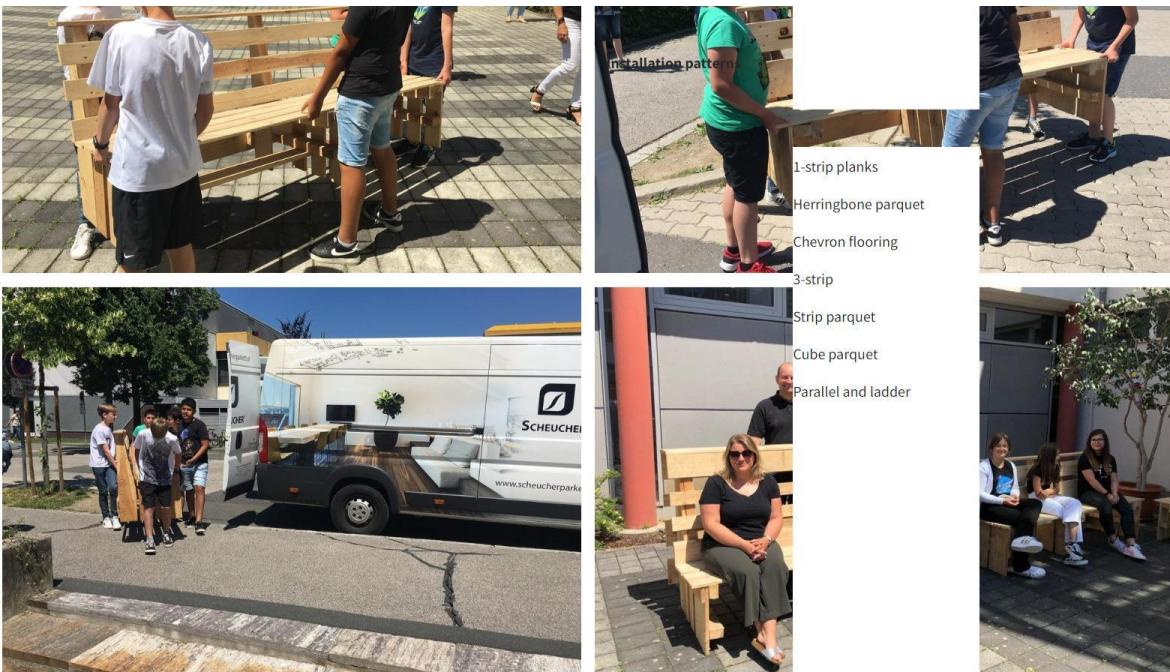
SHARING

Already last year, this great upcycling project was created by our apprentices and could finally, due to the corona situation, be handed over to the school on time at least for the upcoming start of summer.

The modern and comfortable seating accommodations made of disposable pallets was made in our apprentice studio and is now very well received by both, students and teachers in the inner courtyard of the BG / BRG Leibnitz. Also two matching tables were supplied for even more relaxing breaks.

**We wish the school community of the BG / BRG Leibnitz a lot of sunny breaks as well as all the best and much success!**





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## Cool Concrete Couches

AUGUST 19, 2012



Check out this fantastic addition to the Langevin [schoolyard](#).

The last of three concrete couches was created this weekend. You'll find all three sofas around our new playground.

type and press enter

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Fundraising Meeting Minutes Mural  
Project Naturalization  
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A huge thank you to Richard, a Langevin school parent, for his energy, time and skill in creating this amazing **Schoolyard** furniture.

The couches are not only cool but comfortable too!

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## School's new furniture made from plastic waste

The furniture is built from plastic waste collected in Australia, preventing the waste going to landfill.

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Coolum High principal Chris Dench and students Findlay and Gabrielle check out the new **schoolyard** furniture made from plastic waste. Picture: Contributed

IN support of World Environment Day, Coolum State High School recently purchased and installed outdoor furniture made from recycled plastic waste.

To assist in the surge of student enrolments, the school welcomed 20 new bench seats and five tables, which will offer students comfortable areas to spend their lunch breaks or learn in an outdoor environment during lessons.

The furniture is built from plastic waste collected in Australia, preventing the waste going to landfill. The waste includes rigid and soft plastics such as bottles, plastic bags and ice cream containers.

One table and chairs combo bought by the school is equivalent of 39,000 plastic bags.

Coolum State High principal, Chris Dench, said the purchase was a step in the right direction and encouraged students to think about what happened when they recycled.

"It's amazing what can be created from our recyclables and it's extremely important that we educate our students on how important it is to recycle," Mr Dench said.

"Teaching our students how to help clean up the planet and live responsibly is not just an opportunity, but a necessity."

The recyclable outdoor furniture is just one of the ways Coolum State High School is

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doing their part to improve the environment.

Through New Pedagogies for Deep Learning, students have also conducted litter studies which included several clean-ups within the school and the local community.

"Students then analyse the litter collected, thus learning to collate primary and secondary data during math lessons as well as learning important facts and infographics," Mr Dench said.

"Our teaching programs embrace the needs of our students by engaging them using a range of learning experiences and teaching styles.

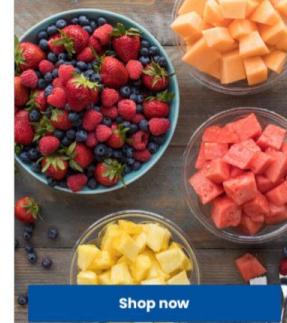
"It's an additional bonus that we're also educating them on environmental issues at the same time."



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### Gruesome video shows gagged Ukrainian prisoner of war being castrated

A horrific video has emerged purportedly showing a Ukrainian prisoner of war being gagged and castrated by a Russian soldier.

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### Gruesome video shows gagged Ukrainian prisoner of war being castrated

A horrific video has emerged purportedly showing a Ukrainian prisoner of war being gagged and castrated by a Russian soldier.

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### Sunshine Coast teen placed in coma after catastrophic crash

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### Gympie Music Muster rocked by overnight death

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You Know and Trust

- Knowledgeable Product Support and Safety Specialists

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## Lions help St Angela School

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March 28, 2015 | Times of Malta | 0 comments

1 min read





Lion President Frank Farrugia presenting a donation for the purchase of schoolyard furniture to Sr Eugenia at St Angela School in Guardamangia in the presence of Lion Anthony Busuttil, club secretary. These funds were raised during the school's Nativity play.

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## Schoolyard Furniture Group

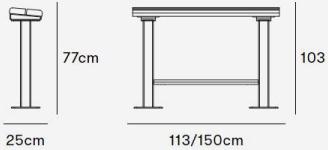
MATS ALDÉN

School Yard is specifically developed for functional outdoor workplaces. The seating furniture with work table means that it works just as well in educational environments as on a roof terrace or in an outdoor office.

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Tillsammans skapar **Schoolyard** en liten arbetsstation för utomhusbruk.  
Här i linaximpregnerad furu.



Dimensions and weight



Materials



Standard colours



Product number



Assembly and placement



Maintenance



Variants



Examples



## Schoolyard Furniture Group

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Tillsammans skapar [Schoolyard bänk och bord](#)  
en arbetsstation för utomhusklassrum.





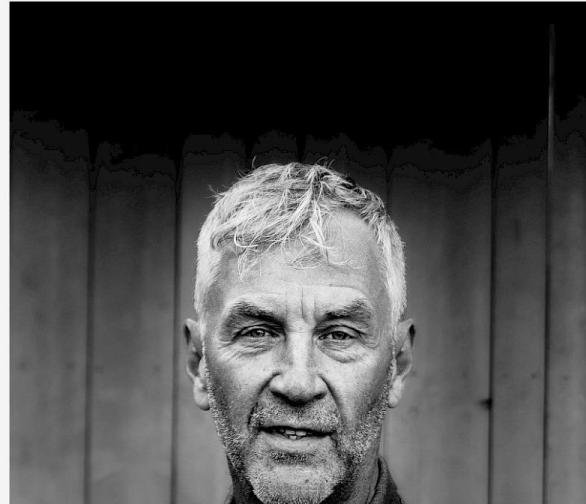


*Lutningen på sitsen ger en mer behaglig  
sittställning.*

Designers

## Mats Aldén

Interior and furniture designer, crafter and tutor living in Stockholm. Educated at Aarhus School of Architecture, Denmark. Has his own design studio and workshop in Stockholm since 1995. Has worked as a professor and artistic leader at Steneby HDK, as a lecturer at Konstfack University College of Arts, Crafts & Design and as a guest teacher at Beckmans Design College.





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## OUTDOOR FURNITURE FOR SCHOOLYARD

Visualization of compositions consisting of Loop Arc and Loop Line in a schoolyard, Belgium.



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project

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Furniture for a schoolyard



For this school for socially maladjusted children, we designed a series of modular objects to stimulate the children to create their own environment and to inspire them to use them in different set-ups such as a hangout, stage, grandstand, workshop etc.

design  
project management  
execution

Guido Marsille en Claus Wiersma  
Stroom, Den Haag  
Fa.Verkammen, Tolkamer

The objects are made of solid oak and can be moved with a pallet-truck.

up

---

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3029 AK Rotterdam  
The Netherlands

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[mail@clauswiersma.nl](mailto:mail@clauswiersma.nl)

products / seating

# ESCOLA SLIM

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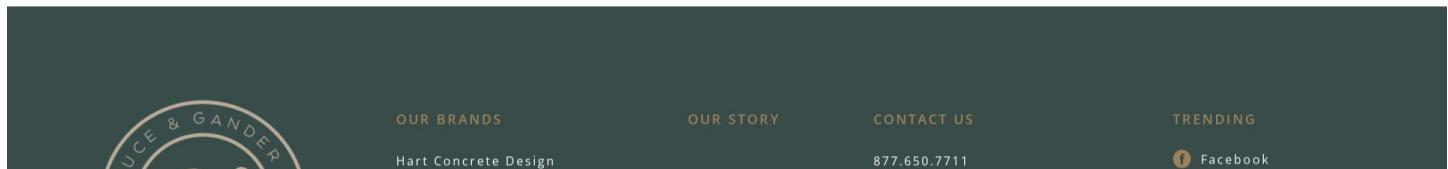
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## THIS SMART CITY FURNITURE USES SOLAR PANELS TO CREATE WIFI HOTSPOTS + CHARGING OUTLETS FOR THE URBAN MILLENNIAL USER!

BY SHAWN McNULTY-KOWAL / 05/05/2021



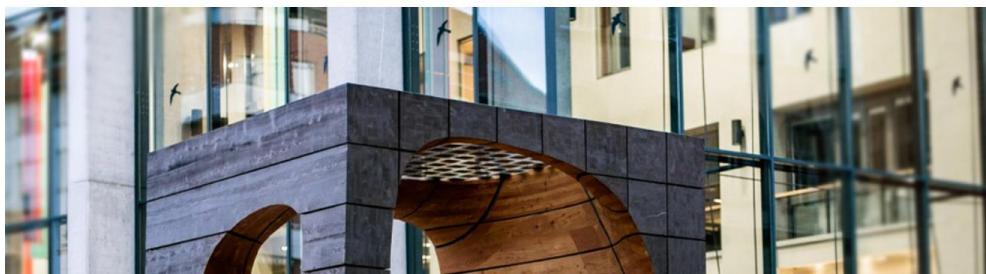


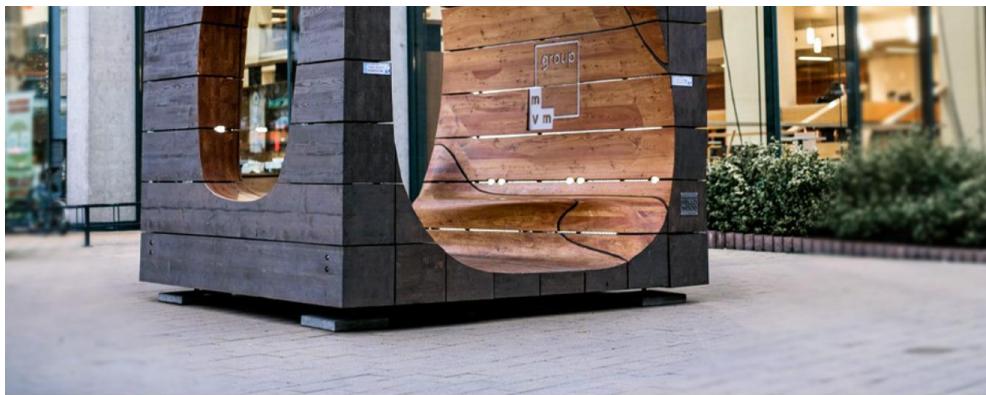
Industries across the globe are steadily moving toward a smart future. A handful of public schools in Hungary went so far as to host a competition called "Smart School," which gave designers creative freedom to conceptualize smart public furniture for **schoolyards** and city centers. For Smart School, Hello Wood, an architecture and design studio, designed and created the Fluid Cube and City Snake, two pieces of smart public furniture currently located in Hungary's **schoolyards**.

Designed for use by the public, both the Fluid Cube and the City Snake primarily function as city benches with the same technical attributes. The Fluid Cube is a 9 cubic meter cube structure that partially encloses two parallel benches with an overhead roof for shelter during bad weather. The City Snake, a 7.5-meter outdoor bench that curves and bends to provide unique sitting options to travelers looking for a bit of respite. While the two structures provide seating for the public, they also come equipped with solar panels that generate power for some of the structure's more technical features. Raised parts of the City Snake accommodates traditional solar panels, while solar cells are overlaid on the Fluid Cube's glass roof. The solar panels on both of the structures yield power to use the built-in USB charging outlets, the WiFi hotspots, as well as the benches' lighting systems.

Based in the bustling city of Budapest, Hello Wood designs and builds site-specific, public installations almost entirely from wood. City centers are known for travelers, commuters, busy workdays, and long walks. With smart technology outfitting most modern appliances and furniture, public furniture is getting revamped with smart features. Since a charger and WiFi are almost always needed throughout the day, Hungary's smart, public furniture has both.

Designer: [Hello Wood](#)







The Fluid Cube's roof provides a sheltered space for city-goers caught in the rain.

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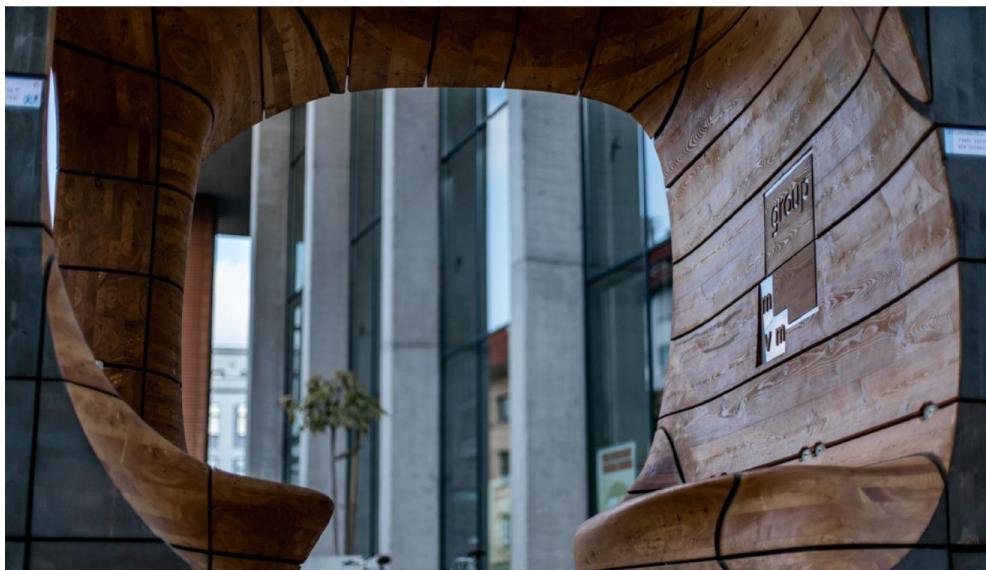
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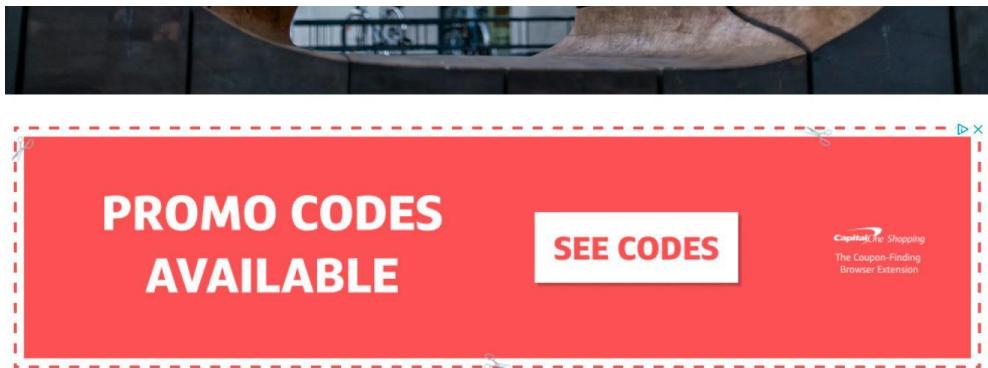
The Fluid Cube's roof provides a sheltered space for city-goers caught in the rain.





Featuring two parallel benches, the Fluid Cube primarily functions as a meeting place for sitting.

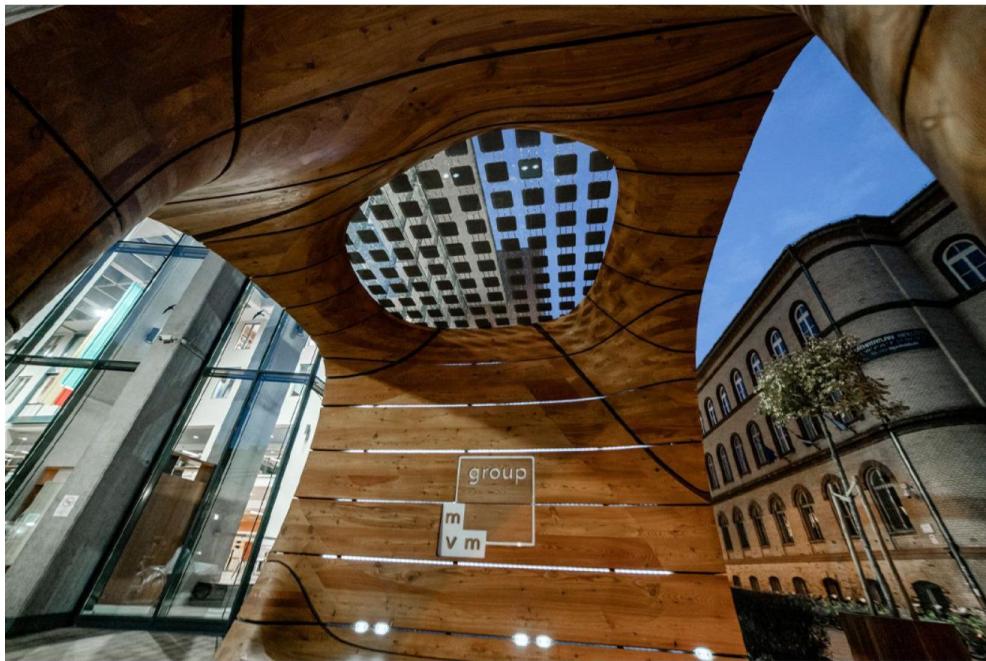






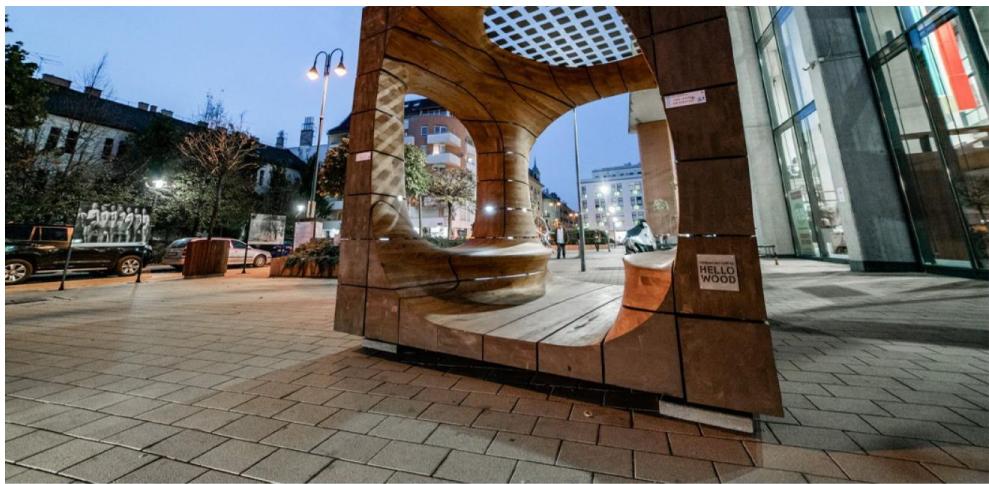
The Fluid Cube was almost entirely constructed from sustainably harvested wood.





Solar panels line the Fluid Cube's roof to provide power for WiFi and the bench's charging outlets.









The City Snake appears as more of a traditional city bench, with raised edges and panels for reclined sitting.



The City Snake powers up its WiFi hotspot and charging outlets from its solar panel.







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DESIGN NEWS FURNITURE — MAY 7, 2021

# THIS SMART CITY FURNITURE USES SOLAR PANELS TO Provide WIFI HOTSPOTS AND CHARGING OUTLETS!

by CONSTRUCTION WEB



Across the world, industries are slowly progressing toward a smart future. A few public schools in Hungary also held a competition called "Smart School," in which designers were given artistic license to create smart public furniture for [schoolyards](#) and city centers. The Fluid Cube and City Snake, two pieces of smart public furniture currently installed in Hungary's [schoolyards](#), were planned and built for Smart School by Hello Wood, an architecture and design company.



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The Fluid Cube and the City Snake, both designed for public use, are commonly used as city benches and have the same technical characteristics. The Fluid Cube is a 9 cubic meter cube structure that partly encloses two parallel benches and has an overhead roof for protection from the elements. The City Snake is a 7.5-meter-long outdoor bench that twists and bends to provide travelers with exclusive seating choices. While the two structures have public seats, they both have solar panels to provide support for some of the structure's more technological features. Standard solar panels are housed in raised areas of the City Snake, while solar cells are overlaid on the Fluid Cube's glass top. The solar panels on both structures have enough energy to fuel the built-in USB charging ports, WiFi hotspots, and lighting systems on the benches.





Hello Wood, based in Budapest, designs and constructs site-specific public structures almost entirely out of wood. Travelers, cyclists, busy workdays, and long walks are all common sights in city centers. Public furniture is being updated with smart features, as smart technology is being integrated into most new appliances and furniture. Hungary's smart public furniture has both a battery and WiFi, which is almost always required during the day.







TAGS: BUDAPEST, FURNITURE

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