

To: Skylight Tools, Inc. (trademarks@hballp.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87021924 - SKYLIGHT - N/A
Sent: 8/18/2016 4:25:52 PM
Sent As: ECOM116@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 87021924

MARK: SKYLIGHT

87021924

CORRESPONDENT ADDRESS:

MARC REINER
HAND BALDACHIN & AMBURGEY LLP
8 WEST 40TH ST, 12TH FLOOR
NEW YORK, NY 10018

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Skylight Tools, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

trademarks@hballp.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 8/18/2016

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

SEARCH OF OFFICE DATABASE

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

DESCRIPTIVE REFUSAL

Registration is refused because the applied-for mark merely describes a purpose of applicant's goods or services. Trademark Act Section

2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

Applicant is applying for the mark “SKYLIGHT” for “Providing homeowners with internet based tools to help manage their renovation and construction projects, namely contractor evaluation; bidding; contracting; project management and payments.” The attached website pages are evidence that software tools may be used in the planning of the installation of skylights. Applicant’s goods or services feature internet tools that may be used in the construction and planning for skylights. Therefore, the word “skylight” describes a purpose of the goods or services.

In conclusion, the mark is descriptive of applicant’s goods or services in accordance with Section 2(e)(1) of the Act. Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

REQUEST FOR INFORMATION

Due to the descriptive nature of the applied-for mark, applicant must provide the following information regarding the goods and/or services and wording appearing in the mark:

(1) Fact sheets, instruction manuals, brochures, advertisements and pertinent screenshots of applicant’s website as it relates to the goods and/or services. Merely stating that information about the goods and/or services is available on applicant’s website is insufficient to make the information of record.

If these materials are unavailable, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and/or services feature new technology and information regarding competing goods and/or services is not available, applicant must provide a detailed factual description of the goods and/or services. Factual information about the goods must make clear how they operate, salient features, and prospective customers and channels of trade. For services, the factual information must make clear what the services are and how they are rendered, salient features, and prospective customers and channels of trade. Conclusory statements will not satisfy this requirement.; and

(2) Applicant must respond to the following question:

- Are any of the internet based tools listed in the application for use in skylight construction or renovation projects?

See 37 C.F.R. §2.61(b); *In re AOP LLC*, 107 USPQ2d 1644, 1650-51 (TTAB 2013); *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004); TMEP §§814, 1402.01(e).

Failure to comply with a request for information can be grounds for refusing registration. *In re AOP LLC*, 107 USPQ2d at 1651; *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814.

IDENTIFICATION OF GOODS AND SERVICES REQUIREMENTS

The identification must be clarified because it is too broad and could include goods and services in other international classes. *See* TMEP §§1402.01, 1402.03. Applicant must amend the identification to specify the types of “tools” and whether they are downloadable or non-downloadable. If the “tools” are software, then applicant must amend the identification to specify the functions of the software.

Applicant may adopt all or part of the following identification, if accurate:

International Class 9: Providing downloadable internet-based software for use in contractor evaluation, bidding, contracting, project management and payments for use by homeowners to help manage their renovation and construction projects

International Class 42: Providing non-downloadable internet-based software for use in contractor evaluation, bidding, contracting, project management and payments for use by homeowners to help manage their renovation and construction projects

Applicant’s goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06.

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 at http://www.uspto.gov/trademarks/tm_fee_info.jsp). The application identifies goods and/or services that are classified in at least two classes; however, applicant submitted a fee sufficient for only one class. 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 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.32(a)(6)-(7), 2.34(a)(2)-(3), 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, please go to <http://www.uspto.gov/trademarks/law/multiclass.jsp>.

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.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Khanh M. Le/
Trademark Examining Attorney
Law Office 116
U.S. Patent & Trademark Office
Khanh.Le@USPTO.gov
(571) 272-9435

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.



[home](#) [about](#) [news](#) [design your skylight](#) [products](#) [projects](#) [contact](#)

E-Skylight, Inc.'s online estimating tool for unit skylights was introduced in 2000 and it continues to be the most innovative way to design and price custom skylights. Diana Pease, Vice-President, has been with E-Skylight since 2002. The product is top-notch and the install is straightforward. It's easy to promote a product I believe in.

Give the estimating tool 10 minutes of your time, and we'll instantly provide complete submittal drawings, pricing and 3D views of your design, free of charge. It is the simplest and quickest way to price a high quality skylight, customized to your specifications.

Here's what you enter online with a simple step by step process:

- Shape: Pyramid, polygon, hipped ridge, or ridge
- Dimensions: From 4' to 100' long and 4' to 20' wide
- Pitch: Any pitch between 15 degrees and 45 degrees

Finish: Anodized (clear, light bronze, medium bronze, dark bronze and black)
Paint (2 or 3 coat 70% Kynar - standard and custom colors).
Glass: Clear, Low-e, Tints, Frits, etc.
Assembly Method: Knockdown or Factory assembled and glazed.
We can pre-assemble and glaze units up to 8' wide

Here's what we provide:

Pricing, including freight.
Submittals (8 1/1 x 11) complete with customized loading data
An isometric view of the skylight.
Customized AutoCAD details available for download
Superb customer service - available by phone, fax, and email
Experienced manufacturing team dedicated to producing a superior product

We also offer stamped submittals and calculations stamped by a Professional Engineer licensed in the state where the project is located.

Give our estimating tool. www.e-skylight.com

E-Skylight.com is so innovative that a company in Canada has and is attempting to imitate our website, design tools, and skylight system. So, don't be led astray and don't forget the 'dash' in our web address.

Whether you have a question about our product, need help pricing a skylight, or just want to talk to a live person, please call us at 866-624-3759. Fax us at 207-636-8004, email us at info@e-skylight.com.

Home Design &

Remodeling

Design Your Dream Home Today!

Create fun and easy designs for any house project. Build realistic 3D models for your home design or interior design using automated building tools. Visualize your new dream home today with Home Designer.





3D Home Design Tools

Create a 3D model that can help to visualize your home projects. Create realistic views with materials, textures and colors. Choose from Day or Night views, Framing, Doll House and Glass House views to see your design from every viewpoint.



Floor Plan Design

Quickly place and arrange walls, windows and doors to create accurately scaled floor plans. For new plans, select pre-designed Home Design and Landscaping Style Templates or use the House Assistant to lay out your rooms. [Download editable sample plans](#) for design inspiration.



Automated Home Building Tools

With Automated building tools, any time a wall is moved the Roof, Framing and Foundation automatically update. Plus, with Home Designer Pro and Architectural you will find several manual building tools to further customize your home project.



Stairs & Ramps

Home Designer's stair tool can create straight, curved, split stairs and ramps with defaults typically used in construction. Customize the number of stair sections, tread height and railing style. An automatic stairwell creates a stair opening between platforms. With Home Designer Pro, you will find advanced settings and control for stairs.



Doors & Windows

Doors and Windows can be customized to create just about any style- wood, casement, moldings, lites, shutters and window treatments. Modify the height, width and shape to create the exact door or window you desire. Home Designer Pro has advanced settings for rough openings, mulling, and lintel and sill.



Cross Sections & Elevations

Remove a 3D slice from your design and create a detailed view using the 3D cross section elevation slider. From front to back, or side to side, this tool will let you look through your design from any point. Cross Sections are a great way to help you communicate the details of your design. Use the Remove Surface tool to see into tight spaces or to produce architectural style views.



Dormers & Skylights Tools



Dormers & Skylights Tools

The Auto Dormer tool has gable, hip, shed and barrel dormers. Click to place on the roof and the software creates all the structural elements so the framing and roof cutout are accurate. Skylights work the same way and bring natural light into your model so you can easily see the effects.

Roof & Ceiling Tools

With Automatic Roof and Ceiling tools, you can create the style that's right for your home. The software automatically creates flat ceilings once the roof is generated and you can create a variety of styles including vault, tray and coffered. Home Designer Pro includes manual roof and ceiling tools where you can create and edit individual roof and ceiling planes.

[VIEW PRODUCTS](#)



Visualize Your Project Before You Begin Remodeling

With Home Designer it is easy to lay out your floorplan, re-arrange walls, add a new room, update doors, windows and more. Customize your materials, fixtures, cabinets and appliances to suit your needs and see your designs come to life.



Kitchen Remodeling

Design the Kitchen of Your Dreams! The secret to a great kitchen design is good planning and design. Create thousands of cabinet combinations with the Cabinet Designer tools. Change countertops, add a kitchen island, fixtures and appliances - it's easy to plan your perfect workspace.



easy to plan your perfect windows.



Bath Remodeling

Remodeling your Master Bath? Use Home Designer to visualize before you begin your remodeling project. Experiment with cabinets, flooring and fixtures using a built-in architectural Library catalog. Visualize your new bath remodeling project today!



Experiment & Plan Your Rooms

Create an addition to your home with powerful software building tools. Draw your walls and see the model in 3D. If you change the size of the room, you can immediately see the updated materials list to estimate your costs.

ID	Floor	Size	Description	Count	Units
55					
Subfloor					
57	SP1	2.44x3.14'	Sheet Plywood	6	0
58					
Framing					
60	F1	1.542 12x8	(Blocks-0142)	2163	0
61	F2	1.4187x12'	Glue Laminated	140	0
62	F3	2.542 12x8	(Blocks-0142)	3285	0
63	F4	3.542 12x8	(Blocks-0142)	13	0
64					
Siding					
65					

Cost Estimating & Materials Lists

What will my new home or remodeling project look like and how much will it cost? Home Designer knows! The program retains all the information on each element such as doors, windows, cabinets, framing, and concrete, and automatically adds it to the materials list in spreadsheet format - making it easy to estimate costs.



Automatic & Manual Framing Tools

Use the framing tools to automatically create the structure for your design. For each room, define floor and ceiling heights and the platform dimensions - framing will



room, define floor and ceiling heights and the platform dimensions - framing will automatically update. Visualize framing in 3D. Every framing member, including decking, is automatically added to the materials list. Manual framing tools are available in Home Designer Pro - great for custom framing.



Dimensioning Tools

Create accurately scaled floor plans and elevations complete with dimensions. One-click automatic dimensions can create both interior and exterior dimensions - great for construction details.

Products

- [Home Designer \(DIY\) Products](#)
- [Chief Architect \(Pro\) Products](#)
- [Room Planner Mobile App](#)
- [Compare Products](#)
- [Free Trial Download](#)
- [Upgrades & Discounts](#)
- [Academic](#)
- [Testimonials](#)
- [System Requirements](#)
- [Satisfaction Guarantee](#)

User Center

- [Free Sales Webinars](#)
- [Training Videos](#)
- [Samples Gallery](#)
- [Catalog & Content Downloads](#)
- [Design Articles](#)
- [Green Building](#)
- [Resource Center](#)
- [Digital Locker](#)
- [HomeTalk User Forum](#)

Support

- [Knowledge Base](#)
- [Training Videos](#)
- [Support Center](#)
- [Program Updates](#)
- [Getting Started](#)
- [Contact Support](#)

Company

- [About Chief Architect](#)
- [Events & Trade Shows](#)
- [Contact Us](#)
- [Employment](#)
- [Chief Architect \(Pro\) Products](#)
- [Marketing Graphics](#)
- [Newsletter](#)

To: Skylight Tools, Inc. (trademarks@hballp.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87021924 - SKYLIGHT - N/A
Sent: 8/18/2016 4:25:54 PM
Sent As: ECOM116@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **8/18/2016** FOR U.S. APPLICATION SERIAL NO. 87021924

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **8/18/2016** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For technical assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.