

ESTTA Tracking number: **ESTTA487866**

Filing date: **08/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Hartford Fire Insurance Company
Granted to Date of previous extension	08/08/2012
Address	One Hartford Plaza Hartford, CT 06155 UNITED STATES

Attorney information	Michael Chiappetta Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza6th Floor New York, NY 10017 UNITED STATES afredbeck@fzlz.com, mc@fzlz.com Phone:212-813-5900
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Applicant Information

Application No	85459781	Publication date	04/10/2012
Opposition Filing Date	08/08/2012	Opposition Period Ends	08/08/2012
Applicant	Mona Terrell & Associates LLC 1610 Division Avenue Piscataway, NJ 08854 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3102144	Application Date	12/17/2004
Registration Date	06/06/2006	Foreign Priority Date	NONE
Word Mark	PLAYBOOK FOR LIFE		

Design Mark	PLAYBOOK FOR LIFE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2005/03/02 First Use In Commerce: 2005/03/02 advertising and marketing Class 041. First use: First Use: 2005/03/02 First Use In Commerce: 2005/03/02 educational services; namely, conducting seminars and workshops to promote financial planning to student athletes and the general public

U.S. Application No.	85658794	Application Date	06/22/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	PLAYBOOK FOR LIFE
Design Mark	PLAYBOOK FOR LIFE
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2005/03/02 First Use In Commerce: 2005/03/02 A series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public

Attachments	78534242#TMSN.jpeg (1 page)(bytes) 85658794#TMSN.jpeg (1 page)(bytes) Notice of Opposition (F1063542).PDF (14 pages)(401502 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michael Chiappetta/
Name	Michael Chiappetta
Date	08/08/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/459,781
Mark: PLAYBOOK FOR LIFE and Design
Published: April 26, 2012

-----X	:	
Hartford Fire Insurance Company	:	
	:	
Opposer	:	
	:	Opposition No. _____
- against -	:	
	:	
Mona Terrell & Associates LLC	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Opposer, Hartford Fire Insurance Company, a Connecticut corporation located and doing business at One Hartford Plaza, Hartford, CT 06155, believes that it would be damaged by the issuance of a registration for the trademark PLAYBOOK FOR LIFE as applied for in Application Serial No. 85/459,781, and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as March 2005, and prior to any date upon which Applicant can rely, Opposer has used the mark PLAYBOOK FOR LIFE for conducting seminars and workshops to promote financial planning to student athletes and the general public and on publications and planning guides in the United States, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting the PLAYBOOK FOR LIFE mark. As a result, the mark has become distinctive of Opposer's services and has come to represent enormous goodwill for Opposer.

2. Opposer owns U.S. Registration No. 3,102,144, issued June 6, 2006, for the mark PLAYBOOK FOR LIFE for “advertising and marketing” in International Class 35 and for “educational services; namely, conducting seminars and workshops to promote financial planning to student athletes and the general public” in International Class 41. The registration shows a date of first use of March 2, 2005, long prior to any date on which Applicant relies. Opposer's registration is valid, subsisting, in full force and effect and incontestable. As such, this registration serves as conclusive evidence of Opposer's exclusive rights to use the mark. A printout of the USPTO TARR database record for the foregoing registration is attached as Exhibit A.

3. Opposer also owns U.S. Application Serial No. 85/658,794, filed June 22, 2012, for the mark PLAYBOOK FOR LIFE for “a series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public” in International Class 16, asserting first use of the mark in connection with such goods on March 2, 2005. A printout of the USPTO TARR database record for the foregoing application is attached as Exhibit B.

4. On October 30, 2011, Applicant, Mona Terrell & Associates LLC, filed the application at issue to register the mark PLAYBOOK FOR LIFE and Design for a “series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences” in International Class 16 on the basis of intent-to-use. On information and belief, Applicant made no use of this mark prior to its filing date.

5. The mark that Applicant seeks to register is identical in sound, meaning and commercial impression to Opposer's PLAYBOOK FOR LIFE mark, and will be used on goods that are identical or closely related to the goods and services for which Opposer uses its

registered mark. Based on the similarities of the marks and goods and services, the public is likely to associate the goods sold by Applicant under the mark PLAYBOOK FOR LIFE and Design with Opposer or with Opposer's goods and services, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

6. For the above reasons, any use of the mark PLAYBOOK FOR LIFE by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods sold under the PLAYBOOK FOR LIFE mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

7. By reason of the foregoing, Opposer will be irreparably damaged by the registration of Applicant's substantively identical PLAYBOOK FOR LIFE and Design mark. By reason of the foregoing, Opposer will be damaged by the registration of the mark PLAYBOOK FOR LIFE and Design to Applicant.

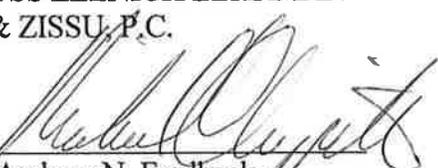
WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 85/459,781 be denied.

The Opposition fee in the amount of \$300.00 for one class is submitted herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 230825 be charged with any deficiency.

Dated: New York, New York
August 8, 2012

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Andrew N. Fredbeck
Michael Chiappetta

Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-07 17:37:09 ET

Serial Number: 78534242 Assignment Information Trademark Document Retrieval

Registration Number: 3102144

Mark

PLAYBOOK FOR LIFE

(words only): PLAYBOOK FOR LIFE

Standard Character claim: Yes

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2012-06-13

Filing Date: 2004-12-17

Transformed into a National Application: No

Registration Date: 2006-06-06

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L50 -TMEG Law Office 105

Date In Location: 2012-06-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hartford Fire Insurance Company

Address:

Hartford Fire Insurance Company
Law Dept. IP Trademark Unit HO109 Hartford Plaza
Hartford, CT 06115
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Connecticut
Phone Number: 860-547-3612
Fax Number: 860-547-7913

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
advertising and marketing
Basis: 1(a)
First Use Date: 2005-03-02
First Use in Commerce Date: 2005-03-02

International Class: 041
Class Status: Active
educational services; namely, conducting seminars and workshops to promote financial planning to student athletes and the general public
Basis: 1(a)
First Use Date: 2005-03-02
First Use in Commerce Date: 2005-03-02

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-06-13 - Notice Of Acceptance Of Sec. 8 & 15 - E-Mailed
2012-06-13 - Section 8 (6-year) accepted & Section 15 acknowledged
2012-06-13 - Case Assigned To Post Registration Paralegal
2012-06-05 - TEAS Section 8 & 15 Received

2006-06-06 - Registered - Principal Register
2006-04-26 - Law Office Registration Review Completed
2006-04-14 - Assigned To LIE
2006-04-10 - Allowed for Registration - Principal Register (SOU accepted)
2006-03-25 - Statement Of Use Processing Complete
2006-03-10 - Use Amendment Filed
2006-03-10 - TEAS Statement of Use Received
2006-01-31 - NOA Mailed - SOU Required From Applicant
2005-11-08 - Published for opposition
2005-10-19 - Notice of publication
2005-08-24 - Law Office Publication Review Completed
2005-08-19 - Assigned To LIE
2005-08-15 - Approved For Pub - Principal Register
2005-08-12 - Teas/Email Correspondence Entered
2005-08-09 - Communication received from applicant
2005-08-09 - TEAS Response to Office Action Received
2005-07-27 - Non-final action e-mailed
2005-07-27 - Non-Final Action Written
2005-07-23 - Assigned To Examiner
2004-12-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kenna I. Daly

Correspondent

Kenna I. Daly

The Hartford Financial Services Group, I
Law Dept. IP Trademark Unit HO109
One Hartford Plaza

Hartford CT 06155
Phone Number: 860-547-7913
Fax Number: 855-316-5156

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-08 10:41:44 ET

Serial Number: 85658794 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

PLAYBOOK FOR LIFE

(words only): PLAYBOOK FOR LIFE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2012-07-17

Filing Date: 2012-06-22

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
CHHINA KARANENDRA S

Current Location: M5X -TMO Law Office 114 - Examining Attorney Assigned

Date In Location: 2012-07-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hartford Fire Insurance Company

Address:

Hartford Fire Insurance Company
Law Dept. IP Trademark Unit HO109 One Hartford Plaza
Hartford, CT 06155
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Connecticut**Phone Number:** 860-547-7913

GOODS AND/OR SERVICES

International Class: 016**Class Status:** Active

A series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public

Basis: 1(a)**First Use Date:** 2005-03-02**First Use in Commerce Date:** 2005-03-02

ADDITIONAL INFORMATION

Prior Registration Number(s):

3102144

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-07-17 - Notification Of Letter Of Suspension E-Mailed

2012-07-17 - Letter of suspension e-mailed

2012-07-17 - Suspension Letter Written

2012-07-16 - Assigned To Examiner

2012-06-29 - New Application Office Supplied Data Entered In Tram

2012-06-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kenna I. Daly

Correspondent

KENNA I. DALY

THE HARTFORD FINANCIAL SERVICES GROUP, I

1 HARTFORD PLZ

HARTFORD, CT 06155-0001

Phone Number: 860-547-7913

Fax Number: 855-316-5156

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August 2012, a true and correct copy of the foregoing NOTICE OF OPPOSITION was served by U.S. mail on applicant's correspondent of record:

Mona Terrell & Associates LLC
Mona Terrell & Associates LLC
1610 Division Avenue
Piscataway, New Jersey 08854-1819



Michael Chiappetta