

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

WINTER/vw

**Mailed: February 11, 2014**

**Opposition No. 91210283**

**Blue Cross and Blue Shield  
Association**

**v.**

**Jerry R. Carnahan Insurance  
Agency, Inc.**

On October 2, 2013, the Board denied in part applicant's proposed amendments to the opposed application, Serial No. 85643431, and deferred consideration of opposer's withdrawal of the opposition pending confirmation as to how the parties wish to proceed regarding one of the proposed amendments.

On November 1, 2013, opposer submitted a stipulated response indicating that Amendments Nos. 1 and 2 to the subject application set forth in the parties' previous stipulated amendment be entered, that Amendment No. 3 is withdrawn, and that dismissal of the opposition without prejudice should be entered and approved by the Board.

In view thereof, by the proposed stipulated amendments, applicant seeks to (1) modify the drawing, (2) amend the

description of the mark, and (3) change the color claim, as discussed below:

**Proposed Amendments**

- Drawing

With regard to the drawing, applicant seeks to amend the drawing, as follows:

Original Trademark



Amended Trademark



The Board finds that the submitted, amended mark is acceptable insofar as it does not materially alter the original mark sought to be registered. Additionally, applicant has provided a substitute drawing. Accordingly, the amended mark is accepted and entered. See Trademark Rules 2.72 and 2.133(a).

- Description of the Mark and Color Claim

Additionally, with regard to the description of the mark and color claim, applicant seeks to amend the description of the mark and to delete the statement that the

colors black, white, blue, light blue and gray are claimed as a feature of the mark, as follows:

**From:**

The color(s) black, white, blue, light blue and gray is/are claimed as a feature of the mark.

The mark consists of a shield in various shades of blue with black and gray outlining. In the center of the shield is a white circle outlined in black and with a light blue letter "C" around the circle. Inside the circle is a black lowercase "i". The entire shield is centered between the words "Smart" and "Guard" which are in black. The wording "CARNAHAN INSURANCE" appears in black above the shield.

**To:**

Color is not claimed as a feature of the mark.

The mark consists of a shield. In the center of the shield is a circle with the letter "C" around the circle. Inside the circle is a lowercase "i". The entire shield is centered between the words "Smart" and "Guard." The wording "CARNAHAN INSURANCE" appears above the shield.

The Board finds that the submitted, amended description of the mark and statement regarding color are acceptable because they do not materially alter the mark sought to be registered. Accordingly, the amended description of mark and color claim are accepted and entered. See Trademark Rules 2.72 and 2.133(a).

Opposition No. 91210283

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

***By the Trademark Trial  
and Appeal Board***