

ESTTA Tracking number: **ESTTA741318**

Filing date: **04/20/2016**

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	Blue Cross and Blue Shield Association
Granted to Date of previous extension	04/20/2016
Address	225 North Michigan Avenue Chicago, IL 60601 UNITED STATES

Attorney information	John A. Cullis Reed Smith LLP 10 South Wacker Drive, 40th Floor Chicago, IL 60606 UNITED STATES ipdocket-chi@reedsmith.com, jhultquist@reedsmith.com, jcullis@reedsmith.com, kpope@reedsmith.com, mthelwell@reedsmith.com, mbenson@reedsmith.com Phone:312-207-1000
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Applicant Information

Application No	86799365	Publication date	12/22/2015
Opposition Filing Date	04/20/2016	Opposition Period Ends	04/20/2016
Applicant	Zoom Management, Inc. 19075 NW Tanasborne Dr., Suite 200 Hillsboro, OR 97124 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Referrals in the field of health insurance; business services, namely, negotiation of contracts with healthcare providers for healthcare networks; procurement of healthcare contracts for others for the provision of healthcare services for health plan members</p>
<p>Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Health insurance administration; insurance services, namely, underwriting and issuance of health insurance; claims administration services in the field of health insurance; administrative services for health insurance plans, self-insured employers, managed care organizations, hospitals and other payors of health care services, namely, insurance claims processing, health insurance eligibility review and processing of payment data; design and development of health insurance plans for others</p>
<p>Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical and health care services, namely, medical clinic services, walk-in medical clinic services, non-emergency medical diagnostics, medical treatment for urgent and non-urgent illnesses and injuries, health maintenance, health care informa-</p>

tion and consulting services, medical testing services, preventive health care and follow up services, medical and pharmaceutical consultation services, physiotherapy services, mental health care services, diagnosis and treatment of disease, providing health care information via telephone and the Internet, home health care services, mobile health care centers, and providing health care information and consultant services in connection with aforesaid services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

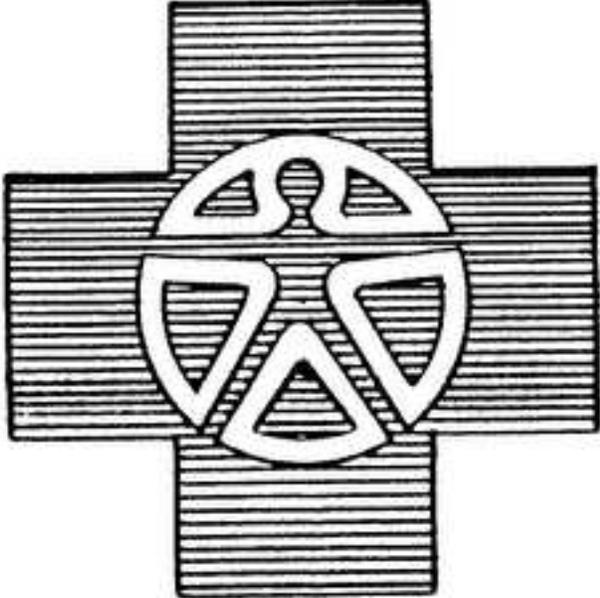
U.S. Registration No.	554488	Application Date	09/30/1947
Registration Date	02/05/1952	Foreign Priority Date	NONE
Word Mark	BLUE-CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS		

U.S. Registration No.	554817	Application Date	08/19/1947
Registration Date	02/12/1952	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS
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U.S. Registration No.	969385	Application Date	12/05/1972
Registration Date	09/25/1973	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1972/11/09 First Use In Commerce: 1972/11/09 PREPAID FINANCING OF HOSPITAL AND HEALTH CARE SERVICES
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U.S. Registration No.	990414	Application Date	03/01/1973
Registration Date	08/06/1974	Foreign Priority Date	NONE

Word Mark	NONE
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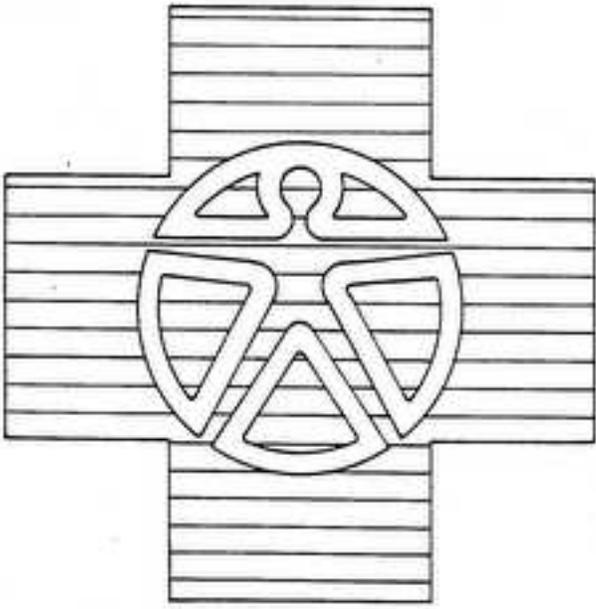
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1972/11/09 First Use In Commerce: 1972/11/09 PRE-PAID FINANCING OF HOSPITAL AND HEALTH CARE SERVICES		

U.S. Registration No.	1055560	Application Date	04/05/1976
Registration Date	01/04/1977	Foreign Priority Date	NONE

Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1972/11/09 First Use In Commerce: 1972/11/09 BOOKLETS DEALING WITH HEALTH CARE BENEFITS		

U.S. Registration No.	1293243	Application Date	07/25/1983
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Registration Date	09/04/1984	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1968/12/31 First Use In Commerce: 1968/12/31 Prepaid Financing and Administration of Dental and Related Health Care Services		

U.S. Registration No.	1425238	Application Date	08/29/1985
Registration Date	01/13/1987	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1973/12/00 First Use In Commerce: 1973/12/00 HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTEN-		

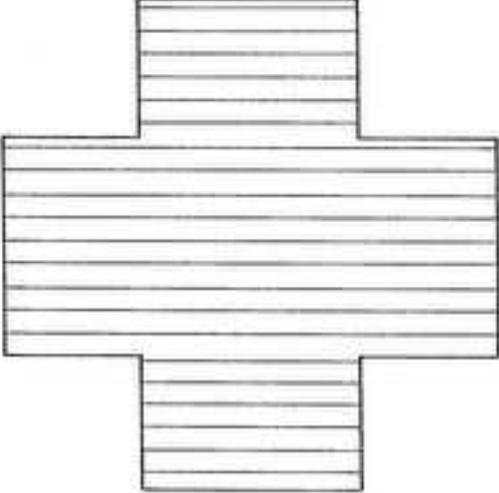
	ANCE ORGANIZATION NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES
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U.S. Registration No.	1426942	Application Date	08/29/1985
Registration Date	01/27/1987	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1973/12/00 First Use In Commerce: 1973/12/00 HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION, NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES		

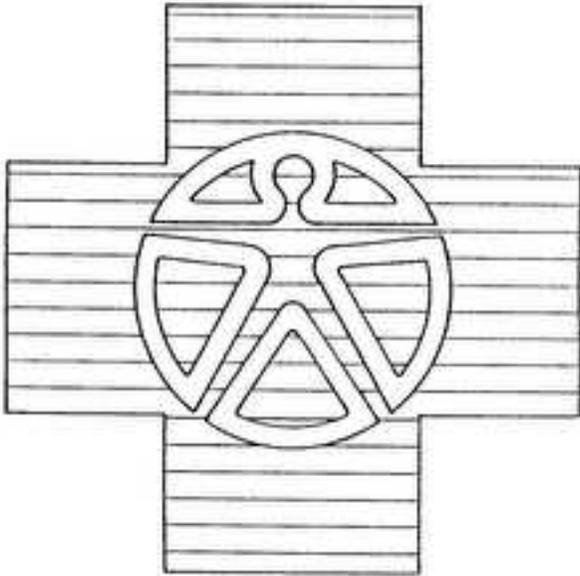
U.S. Registration No.	1632573	Application Date	04/16/1990
Registration Date	01/22/1991	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 prepaid financing and administration of medical, hospital and related health services		

U.S. Registration No.	1691498	Application Date	05/24/1991
Registration Date	06/09/1992	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 educational books, binders, trade journals, and newsletters in the field of health and insurance; printed forms, notebooks, pens and pencils		

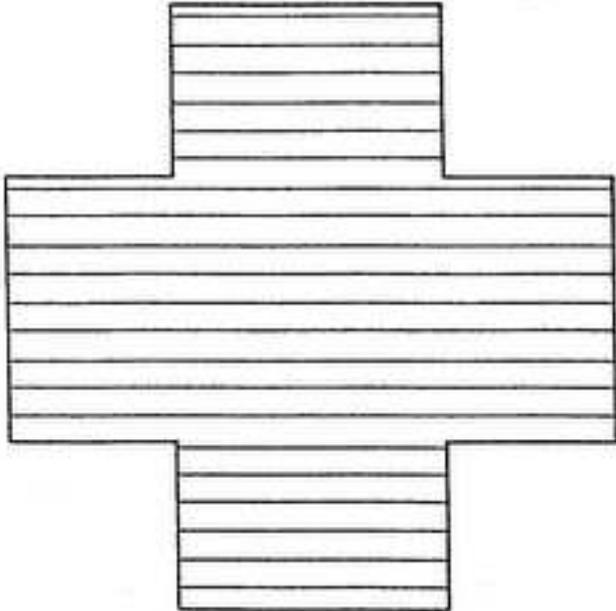
U.S. Registration No.	1699627	Application Date	07/22/1991
Registration Date	07/07/1992	Foreign Priority	NONE

		Date	
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1988/06/28 First Use In Commerce: 1988/06/28 health care services rendered through ahealth maintenance organization; namely, physician services, dental services, hospital services, home health care services, preventative health care services, health care services, medical lab services, counselling services in the field offamily planning, mental health servicesand pharmacy services		

U.S. Registration No.	1763481	Application Date	04/24/1992
Registration Date	04/06/1993	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1972/12/00 First Use In Commerce: 1972/12/00 association services; namely, promoting the interest of providing quality, cost-effective health care

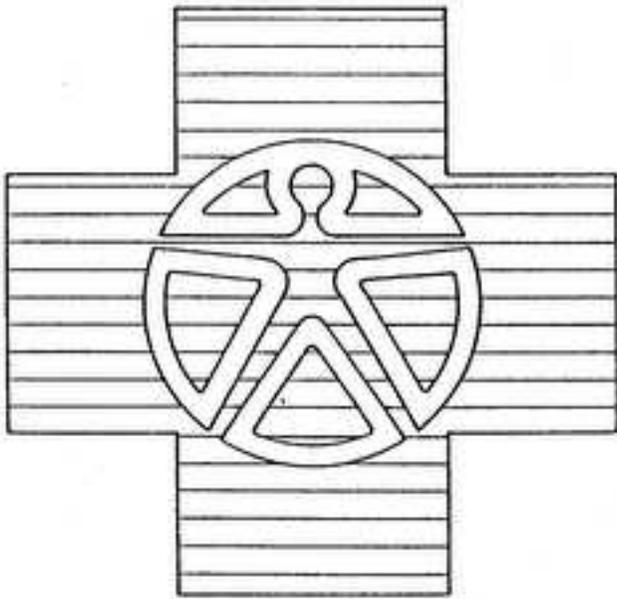
U.S. Registration No.	1826582	Application Date	04/16/1990
Registration Date	03/15/1994	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 prepaid financing, and administration thereof, of dental, hospital and related health care services

U.S. Registration No.	1997328	Application Date	01/21/1994
Registration Date	08/27/1996	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 underwriting, financing, administration, and brokerage of life insurance

U.S. Registration No.	2027402	Application Date	01/21/1994
Registration Date	12/31/1996	Foreign Priority Date	NONE

Word Mark	BLUE CROSS
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Design Mark	
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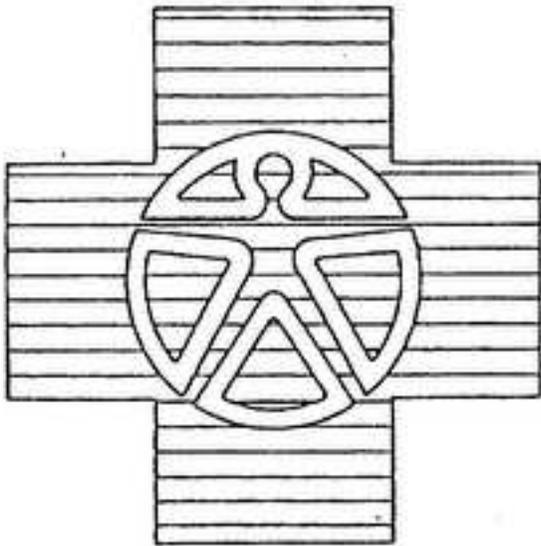
Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 underwriting, financing, administration, and brokerage of life insurance
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U.S. Registration No.	2150555	Application Date	02/07/1997
Registration Date	04/14/1998	Foreign Priority Date	NONE

Word Mark	BLUE CROSS AND BLUE SHIELD ASSOCIATION
Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 prepaid financing and administration of medical, hospital and related health care services Class 042. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 comprehensive health care benefit programs, rendered through a health maintenance organization, namely, physician, dental, hospital, home health care, prevent health treatment, therapy, pharmacy and ambulatory services

U.S. Registration No.	2161616	Application Date	02/07/1997
Registration Date	06/02/1998	Foreign Priority Date	NONE
Word Mark	BLUE CROSS AND BLUE SHIELD ASSOCIATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 health care and wellness educational books, binders, printed forms, health care and wellness trade journals, health care and wellness newsletters, note-books, pens and pencils		

U.S. Registration No.	2194956	Application Date	04/01/1997
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 036. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 insurance, namely, underwriting in the field of workers compensation with or without a managed care component

U.S. Registration No.	3132422	Application Date	07/06/2005
Registration Date	08/22/2006	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1988/08/01 First Use In Commerce: 1988/08/01 items of clothing and headgear, namely, t-shirts, shorts, sweatshirts, sweatpants, pullover tops, jackets, coats, socks, hats, caps and visors
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U.S. Registration No.	3132578	Application Date	08/19/2005
Registration Date	08/22/2006	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1988/08/01 First Use In Commerce: 1988/08/01 pencils, pens, writing paper, envelopes, announcement cards, non-electric pencil sharpeners, drawing pads, paper identification tags, paper sheets, note pads, greeting cards, paperweights, stands for pencils and pens, calendars, diaries and stickers		
U.S. Registration No.	3172396	Application Date	03/31/2005
Registration Date	11/14/2006	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Administration, financial management and maintenance of health savings accounts, medical savings accounts, and flexiblespending accounts; insurance claims administration

U.S. Registration No.	3148694	Application Date	11/03/2005
Registration Date	09/26/2006	Foreign Priority Date	NONE
Word Mark	THE VALUE OF BLUE		
Design Mark	<p style="text-align: center; font-size: 2em; font-weight: bold;">THE VALUE OF BLUE</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 2001/04/15 First Use In Commerce: 2001/04/15 Prepaid financing and administration of medical, hospital and related health care services</p> <p>Class 044. First use: First Use: 2001/04/15 First Use In Commerce: 2001/04/15 Comprehensive health care benefit programs, including those rendered through a health maintenance organization and preferred provider organization, namely, physician, dental, hospital, home health care, preventive health treatment, ther-</p>		

	apy, pharmacy, and ambulatory services
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U.S. Registration No.	3175326	Application Date	03/31/2005
Registration Date	11/21/2006	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Administration, financial management and maintenance of health savings accounts, medical savings accounts, health reimbursement arrangements and flexible spending accounts		

U.S. Registration No.	3255615	Application Date	05/10/2006
Registration Date	06/26/2007	Foreign Priority Date	NONE
Word Mark	WALKING WORKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/05/15 First Use In Commerce: 2005/05/15 Educational services, namely conducting classes and seminars in the fields of		

	health, fitness, diet and lifestyle choices; entertainment services, namely organizing and conducting walking events to increase the awareness of physical fitness
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U.S. Registration No.	3288738	Application Date	03/31/2005
Registration Date	09/04/2007	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark	 <p>The design mark consists of the words "Blue Cross" in a large, bold, serif font, centered within a rectangular frame.</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Banking and financial services, namely,checking and savings account services, electronic funds transfer, [cash management and disbursement services, lending services, acceptance of deposits and loan payments, check cashing and check issuance,] electronic payment services, providing financial information by electronic means, providing secure financial transactions in the nature of electronic cash transactions, electronic check processing transactions, [trustee services, investment security services, certificates of deposits,] asset management services, stored-value card services, smart card services, [credit card services,] all of which are provided in connection with health care coverage plans		

U.S. Registration No.	3288740	Application Date	03/31/2005
Registration Date	09/04/2007	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Banking and financial services, namely, checking and savings account services, electronic funds transfer, [cash management and disbursement services, lending services, acceptance of deposits and loan payments, check cashing and check issuance,] electronic payment services, providing financial information by electronic means, providing secure financial transactions in the nature of electronic cash transactions, electronic check processing transactions, [trustee services, investment security services, certificates of deposits,] asset management services, stored-value card services, smart card services, [credit card services,] all of which are provided in connection with health care coverage plans</p>		
U.S. Registration No.	3313851	Application Date	08/26/2005
Registration Date	10/16/2007	Foreign Priority Date	NONE
Word Mark	BLUE DISTINCTION		
Design Mark	<p style="text-align: center;">BLUE DISTINCTION</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2006/06/05 First Use In Commerce: 2006/06/05 Assessing healthcare service provider performance, providing centers for excel-</p>		

	<p>lence programs, providing specialty care centers, namely, conducting a quality measurement, improvement and assurance surveys in hospitals to determine service quality</p> <p>Class 036. First use: First Use: 2006/06/05 First Use In Commerce: 2006/06/05 Organization and administration of pre-paid, preferred provider organization, health maintenance organization, exclusive provider organization, and point of service healthcare plans</p> <p>Class 044. First use: First Use: 2006/06/05 First Use In Commerce: 2006/06/05 Healthcare services and comprehensive healthcare benefits programs, including those rendered through a health maintenance organization and preferred provider organization, namely physician, dental, hospital, home health care, preventative healthcare treatment, physical therapy and dispensing of pharmaceuticals services; Healthcare consulting services</p>
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U.S. Registration No.	3506603	Application Date	05/23/2006
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	BLUE DISTINCTION CENTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Assessing healthcare service provider performance; providing specialty care centers, namely, conducting quality measurement, improvement and assurance surveys in hospitals to determine service quality</p> <p>Class 036. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Organization and administration of pre-paid, preferred provider organization, health maintenance organization, exclusive provider organization and point of service healthcare plans</p> <p>Class 044. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Healthcare services; providing centers for excellence programs in the field of healthcare, namely, providing health and medical care information to enable consumers to make more informed healthcare decisions in collaboration with health care providers to improve outcomes and affordability; providing centers for specialty healthcare, namely, bariatric surgery and obesity care centers, cancer care centers, medical transplant centers, and cancer care centers</p>		

U.S. Registration No.	3709962	Application Date	07/31/2008
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	BLUECROSS BLUESHIELD VENTURE PARTNERS, L.P. AN INDEPENDENT LICENSEE OF THE BLUECROSS AND BLUE SHIELD ASSOCIATION		

Design Mark	 BlueCross BlueShield VENTURE PARTNERS, L.P. An Independent Licensee of the Blue Cross and Blue Shield Association
Description of Mark	The mark consists of a design of a cross encasing a stylized design of the vitruvian man featured to the left of the design of a shield encasing the staff of Asclepius. Featured adjacent to these designs are the words "BlueCross BlueShield" featured above the words "Venture Partners, L.P." and beneath all is a tagline "An independent Licensee of the Blue Cross and Blue Shield Association".
Goods/Services	Class 036. First use: First Use: 2008/08/29 First Use In Commerce: 2008/08/29 financial services, namely, venture capital funding services to emerging and start-up companies

U.S. Registration No.	4111938	Application Date	08/04/2011
Registration Date	03/13/2012	Foreign Priority Date	NONE
Word Mark	BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1997/05/31 First Use In Commerce: 1997/05/31 Prepaid financing and administration of medical, hospital and related health care services		

Related Proceedings	U.S. Opposition Proceeding Nos. 91225644, 91225647 and 91225649
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Attachments	71531753#TMSN.png(bytes) 72442919#TMSN.png(bytes) 72450146#TMSN.png(bytes) 73082826#TMSN.png(bytes) 73436072#TMSN.png(bytes) 73555889#TMSN.png(bytes) 74187033#TMSN.png(bytes) 74268723#TMSN.png(bytes) 74049148#TMSN.png(bytes) 74480773#TMSN.png(bytes) 75267697#TMSN.png(bytes) 78664911#TMSN.png(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	/John A. Cullis/
Name	John A. Cullis
Date	04/20/2016

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

IN RE: APPLICATION SERIAL NO. 86/799,365

BLUE CROSS AND BLUE SHIELD
ASSOCIATION,

Opposer,

v.

ZOOM MANAGEMENT, INC.,

Applicant.

Mark: ZOOM+

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer, Blue Cross and Blue Shield Association (“Opposer” or “BCBSA”), a not-for-profit membership-based corporation organized and existing under the laws of the State of Illinois, doing business at 225 North Michigan Avenue, Chicago, IL 60601-7680, believes that it will be damaged by registration of the mark “ZOOM+” in International Classes 35, 36, and 44, as shown in Application Serial No. 86/618,930, (“Applicant’s Mark” or the “ZOOM+ Mark”) filed by Applicant, Zoom Management, Inc., an Oregon corporation (“Applicant”) having an address of 19075 NW Tanasbourne Drive, Suite 200 Hillboro, Oregon 97124, and hereby opposes the same and requests that registration to Applicant be refused.

As its grounds for opposition, Opposer hereby alleges that:

1. On October 26, 2015, Applicant filed Application Serial No. 86/799,365 (“Application”) under Section 1(b) of the Lanham Act. The Application was published in the U.S. Patent & Trademark Office’s Official Gazette on December 22, 2015. The Application

on its face seeks to cover the following services: “Referrals in the field of health insurance; business services, namely, negotiation of contracts with healthcare providers for healthcare networks; procurement of healthcare contracts for others for the provision of healthcare services for health plan members,” “Health insurance administration; insurance services, namely, underwriting and issuance of health insurance; claims administration services in the field of health insurance; administrative services for health insurance plans, self-insured employers, managed care organizations, hospitals and other payors of health care services, namely, insurance claims processing, health insurance eligibility review and processing of payment data; design and development of health insurance plans for others,” and “Medical and health care services, namely, medical clinic services, walk-in medical clinic services, non-emergency medical diagnostics, medical treatment for urgent and non-urgent illnesses and injuries, health maintenance, health care information and consulting services, medical testing services, preventive health care and follow up services, medical and pharmaceutical consultation services, physiotherapy services, mental health care services, diagnosis and treatment of disease, providing health care information via telephone and the Internet, home health care services, mobile health care centers, and providing health care information and consultant services in connection with aforesaid services,” in International Classes 35, 36, and 44, respectively. The Application is intent-to-use based, filed under 15 U.S.C. § 1051(b).

2. This Notice of Opposition is being timely submitted.

3. Opposer is a national association of 36 independent, community-based, and locally operated BLUE CROSS® and BLUE SHIELD® companies (“Member Plans”). BCBSA represents the nation’s oldest and largest family of health benefits companies. For over 80 years, BCBSA (including through its predecessors in interest and its Member Plans

and licensees) has provided tens of millions of families with top-quality affordable health care plans. BCBSA's Member Plans currently provide health care plans for nearly 105 million people in the United States - or about 1 in 3 Americans - and offer health care plans in all 50 states, the District of Columbia, and in Puerto Rico. More than 96% of hospitals and 92% of physicians in the United States contract with BCBSA's Member Plans - more than any other insurer. BCBSA's Member Plans currently have local and national presence in 75% of all Fortune 500 companies and 86% of all Fortune 100 companies.

4. The BLUE CROSS and BLUE SHIELD brands are among the most recognized in the health and health-related industries in the United States - and, indeed, in any industry. BCBSA is the owner of the BLUE CROSS word and design marks, the BLUE SHIELD word and design marks, as well as other marks consisting of the image of a blue cross or the image of a blue shield (or both). It licenses the use of various such marks to its Member Plans and other licensees for the provision of a wide variety of goods and services, including, but not limited to, health insurance, life insurance, dental insurance, vision insurance, disability insurance, long-term care insurance, workers' compensation insurance, health care delivery services, financial services, wellness services, health education, and other related goods and services. BCBSA (including through its predecessors in interest and its Member Plans and licensees) has been using these trademarks and service marks since at least as early as 1934 (BLUE CROSS) and 1939 (BLUE SHIELD).

5. In the United States alone, BCBSA currently owns over 200 valid and subsisting U.S. federal trademark and service mark registrations. Many of its U.S. federal registrations have become incontestable under Section 15 of the Lanham Act. Additionally, BCBSA owns similar trademark and service mark registrations in more than 170 countries throughout the

world. All of these (along with numerous trade names and common-law marks) form a “family” of BLUE trade names, trademarks, and service marks (“Blue Marks”). Under the Lanham Act, BCBSA’s incontestable U.S. federal registrations are conclusive evidence of BCBSA’s exclusive right to use or authorize the use of the Blue Marks in commerce.

6. BCBSA (including through its Member Plans and licensees) has extensively used, advertised, and promoted the Blue Marks throughout the United States. For instance, in past years, annual gross revenue under the Blue Marks has exceeded \$360 billion. BCBSA (including through its Member Plans and licensees) spends millions of dollars in advertising and promoting its marks, services, products, and image, thereby creating substantial goodwill in the marketplace. As a result, the general public recognizes the Blue Marks separately and collectively as identifying BCBSA and its Member Plans and licensees - and the quality services they render. The Blue Marks are an asset of incalculable value to BCBSA and it has vigorously and successfully protected its marks. Moreover, at least as far back as 1977, federal district courts and other legal panels such as the World Intellectual Property Organization Uniform Dispute Resolution Policy Panel have expressly recognized the fame of the Blue Marks in the context of trademark disputes or litigation. In sum, the Blue Marks have long been famous; and the Blue Marks were famous long before Applicant’s adoption of, use of, or Application to register Applicant’s Mark.

7. Among BCBSA’s Blue Marks are a wide range of marks consisting entirely or substantially of either the words BLUE CROSS or an image of a blue cross (or both) (the “Blue Cross Marks”). Historically and through the present, these Blue Cross Marks span a variety of differently-configured crosses. BCBSA (including through its predecessors in interest and its Member Plans and licensees) has used and does use the Blue Cross Marks in a

wide range of blue colors, from light to dark and through a variety of hues and tones. The Blue Cross Marks have long been famous; and the Blue Cross Marks were famous long before Applicant's adoption of, alleged use of, or Application to register Applicant's Mark.

8. Several of BCBSA's U.S. federal trademark registrations for its Blue Marks and Blue Cross Marks are listed in **Exhibit A** hereto or identified as "Marks Cited by Opposer as Basis for Opposition" in Opposer's electronic submission of this Opposition, and are asserted as the basis for this opposition.

9. As further basis for this opposition, BCBSA asserts its rights in the marks consisting of or including an image of a cross design as shown in any of Opposer's registrations referenced above or consisting of or including the words BLUE CROSS in connection with the following goods and services for which use has been or is at common law: a broad range of health, insurance, medical and related services, including, without limitation, health insurance services; health plan services; health care plan administration; health care management and consulting services; claims administration; dental insurance services; workers' compensation services; disability insurance services; life insurance services; long term care insurance services; health care services; medical services; health care delivery through medical clinics, physicians, biometric and wellness screening services, wellness programs, and nurse advice hotlines; assessing health care service provider performance; providing centers-for-excellence programs in the field of health care; providing services for locating and connecting with health care providers and physicians; and providing information, conducting classes and seminars in the fields of health, fitness, diet/nutrition and lifestyle choices, and related educational services.

10. Despite BCBSA's long-standing prior rights in its famous Blue Cross Marks, Applicant filed its Application on or about October 26, 2015, to register the mark "ZOOM+" in International Classes 35, 36, and 44.

11. Applicant's use of the "ZOOM+" mark in the United States is or will be directed at the same consumers that Opposer targets with its use of its famous Blue Cross Marks.

12. Upon information and belief, Applicant is using, and intends to continue using, the color blue in connection with Applicant's Mark, namely the cross element of the mark in the color blue, as shown below.



(See e.g., Applicant's website at the URL: <https://www.zoomcare.com/>, attached hereto as **Exhibit B.**)

13. Moreover, Applicant previously filed U.S. Trademark Applications for similar marks that incorporate cross design elements in the color blue for use in connection with similar services, U.S. Serial Nos. 86/614,666 and 86/614,675. On November 8, 2015, the Examining Attorney for Applicant's prior applications issued Office Actions refusing registration on 2(d) likelihood of confusion grounds, citing to five of BCBSA's Blue Cross Marks, including several of those supporting the instant Opposition. (See **Exhibit C.**) Applicant has not yet responded to either of those Office Actions; they remain pending.



U.S. Serial No. 86/614,666



U.S. Serial No. 86/614,675

14. Applicant's Mark is confusingly similar to BCBSA's Blue Cross Marks. Among other things, Applicant's Mark contains a cross. Applicant uses similar ways of presenting the cross element of Applicant's Mark as the Blue Cross Marks. Overall, Applicant's Mark creates a confusingly similar commercial impression to BCBSA's Blue Cross Marks. Furthermore, the services listed in the Application are identical to, similar to, overlap with, or are otherwise the type to be seen as emanating from the same source under a single mark as those goods or services designated by BCBSA's Blue Cross Marks. Consequently, Applicant's Mark is therefore likely to confuse, cause mistake among, or deceive the relevant public into believing that Applicant and Applicant's goods and services offered in connection with Applicant's Mark are sponsored by, endorsed by, or in some manner related to BCBSA (or its Member Plans or licensees) in violation of 15 U.S.C. § 1052(d).

15. On information and belief, Applicant selected, adopted, began using and continues to use Applicant's Mark with full knowledge of BCBSA's Blue Cross Marks and Blue Marks, and with the intent to confuse, cause mistake among, and deceive the public into believing that Applicant's services are of the same high quality as, or are in some way associated with the services of BCBSA (or its Member Plans or licensees).

16. Issuance of a registration and use of Applicant's Mark is likely to diminish the distinctive quality of BCBSA's rights in its famous Blue Marks, and in particular the Blue Cross Marks, and would blur and otherwise impair the distinctiveness of the Blue Marks, and in particular the Blue Cross Marks, in violation of 15 U.S.C. § 1125(c).

17. Likewise, registration of Applicant's Mark, as described in the Application, will injure BCBSA by causing the relevant public to be confused, mistaken, or deceived to the detriment of BCBSA, by diluting the distinctive quality of BCBSA's famous Blue Cross Marks

and Blue Marks, and by harming the reputation of BCBSA and its marks by associating them with Applicant.

18. For the reasons set forth in this Notice of Opposition, BCBSA believes that it will be damaged by the registration of Applicant's Mark in the Application. Accordingly, BCBSA requests and prays that the Application (and all parts of it) be denied registration.

WHEREFORE, Opposer requests that this Opposition be sustained, and Application Serial No. 86/799,365 be refused registration.

The requisite filing fee of \$900.00 and any additional fees related to this matter are being charged to a MasterCard credit card concurrently with this filing.

Respectfully submitted,

BLUE CROSS AND BLUE SHIELD
ASSOCIATION

By /John A. Cullis/
James T. Hultquist, Esq.
John A. Cullis, Esq.
Keyonn L. Pope, Esq.
Attorneys for Opposer
Blue Cross and Blue Shield Association

Reed Smith LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606

Date: April 20, 2016

CERTIFICATE OF SERVICE

I, John A. Cullis, state that I served a copy of the foregoing, **NOTICE OF OPPOSITION**, upon Correspondent for Application Serial No. 86/799,365 as listed with the USPTO:

Sheila Fox Morrison
Davis Wright Tremaine
1300 SW 5th Avenue, Suite 2400
Portland, Oregon 97201

via First Class Mail in accordance with Trademark Rules §§ 2.201 and 2.119 on April 20, 2016.

/John A. Cullis/
John A. Cullis

EXHIBIT A

Mark	Reg. No.	International Classes of Goods or Services
BLUE-CROSS	554,488	IC 36
Blue Cross Design	554,817	IC 36
Blue Cross Design	969,385	IC 36
Blue Cross Design	990,414	IC 36
Blue Cross Design	1,055,560	IC 16
Blue Cross Design	1,293,243	IC 36
Blue Cross Design	1,425,238	IC 42
BLUE CROSS	1,426,942	IC 42
BLUE CROSS	1,632,573	IC 36
BLUE CROSS	1,691,498	IC 16
Blue Cross Design	1,699,627	IC 42
Blue Cross Design	1,763,481	IC 42
Blue Cross Design	1,826,582	IC 36
Blue Cross Design	1,997,328	IC 36
BLUE CROSS	2,027,402	IC 36
BLUE CROSS AND BLUE SHIELD ASSOCIATION	2,150,555	IC 36 IC 42
BLUE CROSS BLUE SHIELD ASSOCIATION	2,161,616	IC 16
Blue Cross Design	2,194,956	IC 36
Blue Cross Design	3,132,422	IC 25
Blue Cross Design	3,132,578	IC 16
Blue Cross Design	3,172,396	IC 36

Mark	Reg. No.	International Classes of Goods or Services
THE VALUE OF BLUE	3,148,694	IC 36 IC 44
BLUE CROSS	3,175,326	IC 36
WALKING WORKS & Design	3,255,615	IC 41
BLUE CROSS	3,288,738	IC 36
Blue Cross Design	3,288,740	IC 36
BLUE DISTINCTION	3,313,851	IC 35 IC 36 IC 44
BLUE DISTINCTION CENTERS	3,506,603	IC 35 IC 36 IC 44
BLUECROSS BLUESHIELD VENTURE PARTNERS, L.P. AN INDEPENDENT LICENSEE OF THE BLUE CROSS AND BLUE SHIELD ASSOCIATION & Design	3,709,962	IC 36
BLUE	4,111,938	IC 36

EXHIBIT B

ER Doctors on-demand. New Hours. Schedule Now. [Schedule](#)

1 What | Illness | Injury | 2 When | Tue, Apr 19 | 3 Where | Portland, OR

ZOOM+care

On-Demand injury, illness and well care.
Rx on-site 365 days a year.

| \$

Pearl District
202 NW 13th Avenue
Portland, OR 97209

0.4m

Mon-Fri 8am-Midnight | Sat-Sun 9am-6pm



Maria Nguyen, PA-C

10:15a	10:30a	10:45a	11:00a	11:30a
11:45a	12:30p	2:30p	3:15p	More



David Lawrence, PA-C

5:15p	5:30p	5:45p	6:00p	6:15p
6:30p	7:00p	7:15p	7:30p	More

EXHIBIT C

To: Zoom Management, Inc. (pdxtrademarks@dwt.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86614666 - ZOOM - N/A
Sent: 11/8/2015 11:13:59 AM
Sent As: ECOM111@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. 86614666

MARK: ZOOM

CORRESPONDENT ADDRESS:

SHEILA FOX MORRISON
Davis Wright Tremaine
1300 SW 5th Ave Ste 2400
Portland, OR 97201-5682

86614666

CLICK HERE TO RESPOND TO THIS I
<http://www.uspto.gov/trademarks/teas/response>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Zoom Management, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

pdxtrademarks@dwt.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: **11/8/2015**

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.

This application has been withdrawn from publication for the reasons outlined below. Please note the following Section 2(d) refusal. The Office regrets any inconvenience to applicant.

Section 2(d) Refusal – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in **U.S. Registration Nos. 1425238, 1426942, 1997328, 2027402 and 3175326**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

The applicant applies to register the design of a **BLUE CROSS** and wording **ZOOM** for health insurance and health care services. The registrants’ marks all include the wording **BLUE CROSS** and/or design of a **BLUE CROSS** for health insurance and health care services.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 (TTAB 2015) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

I. Comparison of the Marks

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Under the doctrine of legal equivalents, a design mark may be found confusingly similar to a word mark consisting of the design's literal equivalent because they create a similar mental impression. TMEP §1207.01(c)(i); *see, e.g., In re Rolf Nilsson AB*, 230 USPQ 141, 142-43 (TTAB 1986) (holding a mark comprising the silhouette of a lion's head and the letter "L" confusingly similar to the word mark LION); *Puma-Sportschuhfabriken Rudolf Dassler KG v. Garan, Inc.*, 224 USPQ 1064, 1066-67 (TTAB 1984) (holding a mark comprising designs of a mountain lion confusingly similar to the word mark PUMA).

Where the goods and/or services of an applicant and registrant are "similar in kind and/or closely related," the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

In this case, the marks are confusingly similar because they consist of the wording and/or design of a BLUE CROSS, and are used in connection with services that are virtually identical in nature. Thus, given the striking similarities in the marks and the services, the mere addition of the wording ZOOM in applicant's mark is insufficient to distinguish the marks and to avoid confusion.

II. Comparison of the Services

When analyzing an applicant's and registrant's goods and/or services for similarity and relatedness, that determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *see also Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002).

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identifications set forth in the application and registration(s) are virtually identical in that the parties are providing health insurance and health care services and there are no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. *See Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Accordingly, the goods and/or services of applicant and the registrant(s) are considered related for purposes of the likelihood of confusion analysis.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.* Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See TMEP §§705.02, 709.06.*

/Renee McCray/
Trademark Examining Attorney
U.S. Patent and Trademark Office
Law Office 111
571.272.9388
renee.mccray@uspto.gov

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>.

DESIGN MARK

Serial Number

73555889

Status

REGISTERED AND RENEWED

Registration Number

1425238

Date Registered

1987/01/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

BLUE CROSS AND BLUE SHIELD ASSOCIATION CORPORATION ILLINOIS 6TH FLOOR
225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 042. US 100. G & S: HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILLY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES.
First Use: 1973/12/00. First Use In Commerce: 1973/12/00.

Prior Registration(s)

0554492;0554817;0872340;0969385;0990414;1055560;1293243;AND OTHERS

Lining/Stippling Statement

THE MARK IS LINED FOR THE COLOR BLUE.

Filing Date

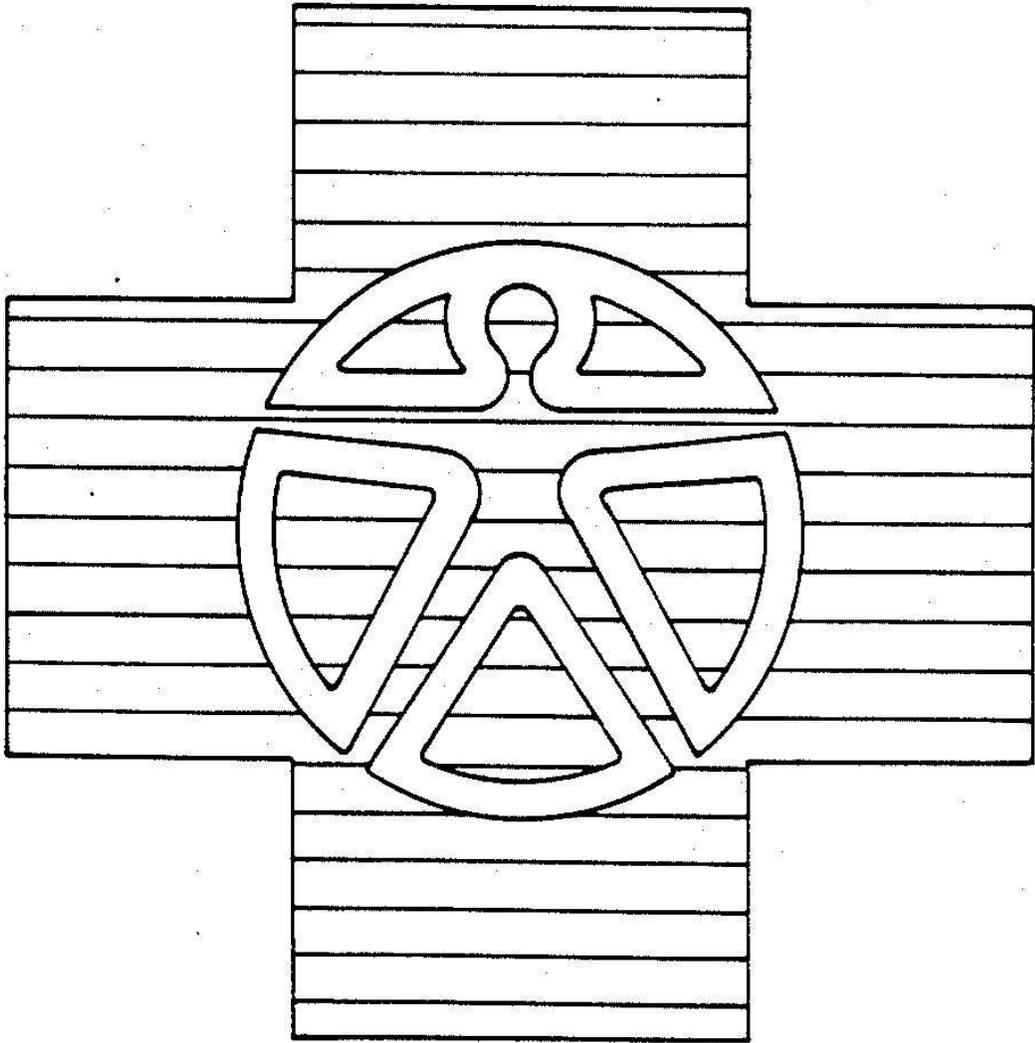
1985/08/29

Examining Attorney

MAYERSCHOFF, GLENN

Attorney of Record

LORA THIELBAR



Print: Nov 8, 2015

73555892

TYPED DRAWING

Serial Number

73555892

Status

REGISTERED AND RENEWED

Word Mark

BLUE CROSS

Standard Character Mark

No

Registration Number

1426942

Date Registered

1987/01/27

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION
ILLINOIS 6TH FLOOR 225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 042. US 100. G & S: HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION, NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES.
First Use: 1973/12/00. First Use In Commerce: 1973/12/00.

Prior Registration(s)

0554488;0554492;0554817;0872340;0969385;0990414;1055560;1293243;1293244-
;AND OTHERS

Filing Date

1985/08/29

Examining Attorney

Print: Nov 8, 2015

73555892

MAYERSCHOFF, GLENN

Attorney of Record

LORA THIELBAR

DESIGN MARK

Serial Number

74480773

Status

REGISTERED AND RENEWED

Registration Number

1997328

Date Registered

1996/08/27

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Blue Cross and Blue Shield Association NOT FOR PROFIT CORPORATION
ILLINOIS 225 N. MICHIGAN AVE. Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
underwriting, financing, administration, and brokerage of life
insurance. First Use: 1996/01/01. First Use In Commerce: 1996/01/01.

Prior Registration(s)

0554488;0554817;0969385;0990414;1055560;1293243;1293244;1420888;1422665-
;1425238;1426942;1632320;1632573;1639079;1691498;1699627;1763481;AND
OTHERS

Lining/Stippling Statement

The mark is lined for the color blue, but color is not claimed as a
feature of the mark.

Filing Date

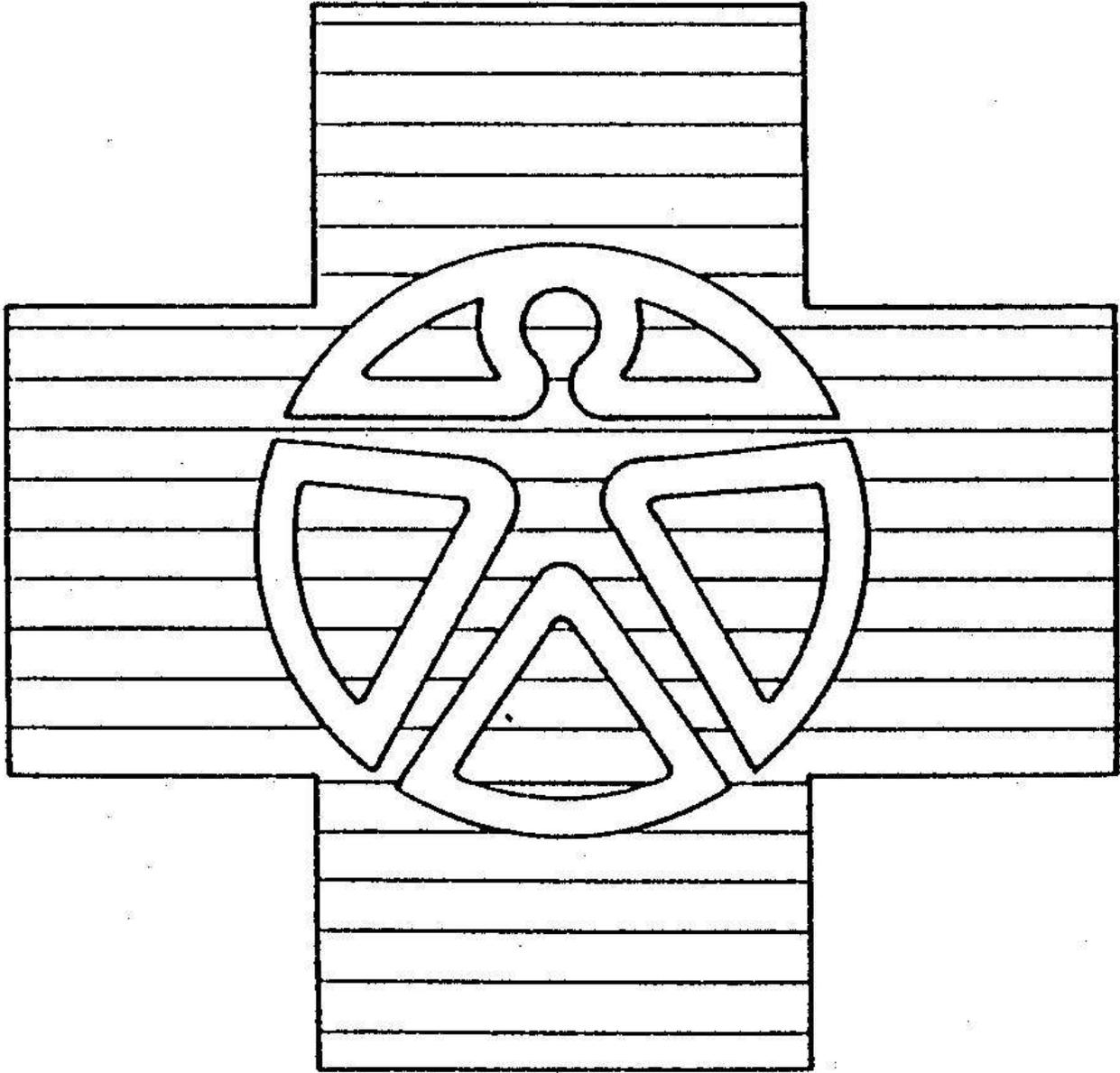
1994/01/21

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

Melissa Rotunno



Print: Nov 8, 2015

74480794

TYPED DRAWING

Serial Number

74480794

Status

REGISTERED AND RENEWED

Word Mark

BLUE CROSS

Standard Character Mark

No

Registration Number

2027402

Date Registered

1996/12/31

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Blue Cross and Blue Shield Association NOT FOR PROFIT CORPORATION
ILLINOIS 225 N. MICHIGAN AVE. Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
underwriting, financing, administration, and brokerage of life
insurance. First Use: 1996/01/01. First Use In Commerce: 1996/01/01.

Prior Registration(s)

0554488;0554817;0969385;0990414;1055560;1293243;1293244;1420888;1422665-
;1425238;1426942;1632320;1632573;1639079;1691498;1699627;1763481;AND
OTHERS

Filing Date

1994/01/21

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

MELISSA ROTUNNO

DESIGN MARK

Serial Number

78598834

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

BLUE CROSS

Standard Character Mark

Yes

Registration Number

3175326

Date Registered

2006/11/21

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Blue Cross Blue Shield Association CORPORATION ILLINOIS 225 N.
Michigan Avenue Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
Administration, financial management and maintenance of health savings
accounts, medical savings accounts, health reimbursement arrangements
and flexible spending accounts. First Use: 1997/04/01. First Use In
Commerce: 1997/04/01.

Prior Registration(s)

0554488;1293244;1426942;AND OTHERS

Filing Date

2005/03/31

Examining Attorney

EULIN, INGRID

Attorney of Record

Melissa Rotunno

Blue Cross

To: Zoom Management, Inc. (pdxtrademarks@dwt.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86614666 - ZOOM - N/A
Sent: 11/8/2015 11:14:00 AM
Sent As: ECOM111@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 **11/8/2015** FOR U.S. APPLICATION SERIAL NO. 86614666

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 **11/8/2015** (*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.

To: Zoom Management, Inc. (pdxtrademarks@dwt.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86614675 - ZOOM - N/A
Sent: 11/8/2015 11:16:23 AM
Sent As: ECOM111@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. 86614675

MARK: ZOOM

86614675

CORRESPONDENT ADDRESS:

SHEILA FOX MORRISON
Davis Wright Tremaine
1300 SW 5th Ave Ste 2400
Portland, OR 97201-5682

CLICK HERE TO RESPOND TO THIS I
<http://www.uspto.gov/trademarks/teas/response>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Zoom Management, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

pdxtrademarks@dwt.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: **11/8/2015**

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.

This application has been withdrawn from publication for the reasons outlined below. Please note the following Section 2(d) refusal. The Office regrets any inconvenience to applicant.

Section 2(d) Refusal – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in **U.S. Registration Nos. 1425238, 1426942, 1997328, 2027402 and 3175326**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

The applicant applies to register **ZOOM** and design of a **BLUE CROSS** for health insurance and health care services. The registrants’ marks all include the wording **BLUE CROSS** and/or design of a **BLUE CROSS** for health insurance and health care services.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 (TTAB 2015) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

I. Comparison of the Marks

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Under the doctrine of legal equivalents, a design mark may be found confusingly similar to a word mark consisting of the design's literal equivalent because they create a similar mental impression. TMEP §1207.01(c)(i); *see, e.g., In re Rolf Nilsson AB*, 230 USPQ 141, 142-43 (TTAB 1986) (holding a mark comprising the silhouette of a lion's head and the letter "L" confusingly similar to the word mark LION); *Puma-Sportschuhfabriken Rudolf Dassler KG v. Garan, Inc.*, 224 USPQ 1064, 1066-67 (TTAB 1984) (holding a mark comprising designs of a mountain lion confusingly similar to the word mark PUMA).

Where the goods and/or services of an applicant and registrant are "similar in kind and/or closely related," the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

In this case, the marks are confusingly similar because they consist of the wording and/or design of a BLUE CROSS, and are used in connection with services that are virtually identical in nature. Thus, given the striking similarities in the marks and the services, the mere addition of the wording ZOOM in applicant's mark is insufficient to distinguish the marks and to avoid confusion.

II. Comparison of the Services

When analyzing an applicant's and registrant's goods and/or services for similarity and relatedness, that determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *see also Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002).

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identifications set forth in the application and registration(s) are virtually identical in that the parties are providing health insurance and health care services and there are no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. *See Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Accordingly, the goods and/or services of applicant and the registrant(s) are considered related for purposes of the likelihood of confusion analysis.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Renee McCray/
Trademark Examining Attorney
U.S. Patent and Trademark Office
Law Office 111
571.272.9388
renee.mccray@uspto.gov

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>.

DESIGN MARK

Serial Number

73555889

Status

REGISTERED AND RENEWED

Registration Number

1425238

Date Registered

1987/01/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

BLUE CROSS AND BLUE SHIELD ASSOCIATION CORPORATION ILLINOIS 6TH FLOOR
225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 042. US 100. G & S: HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILLY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES.
First Use: 1973/12/00. First Use In Commerce: 1973/12/00.

Prior Registration(s)

0554492;0554817;0872340;0969385;0990414;1055560;1293243;AND OTHERS

Lining/Stippling Statement

THE MARK IS LINED FOR THE COLOR BLUE.

Filing Date

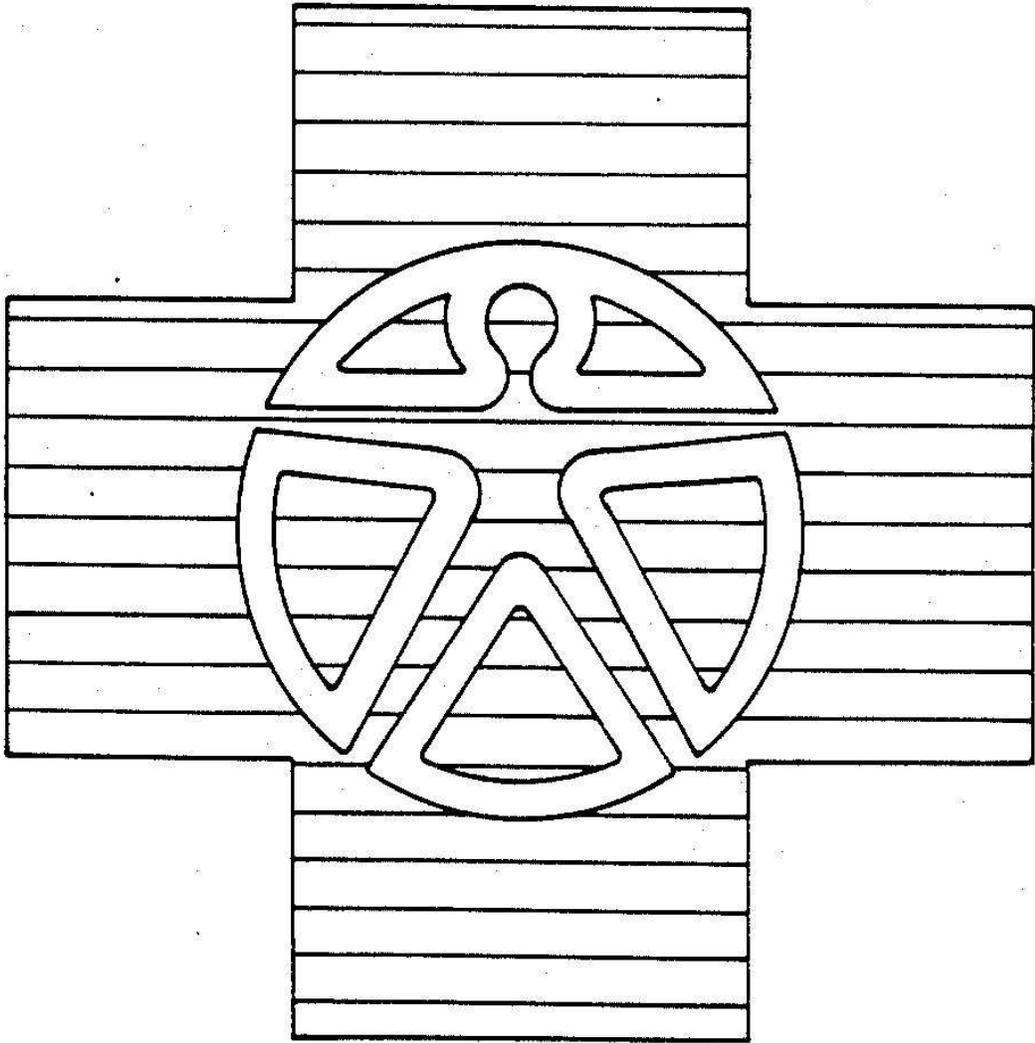
1985/08/29

Examining Attorney

MAYERSCHOFF, GLENN

Attorney of Record

LORA THIELBAR



Print: Nov 8, 2015

73555892

TYPED DRAWING

Serial Number

73555892

Status

REGISTERED AND RENEWED

Word Mark

BLUE CROSS

Standard Character Mark

No

Registration Number

1426942

Date Registered

1987/01/27

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION
ILLINOIS 6TH FLOOR 225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 042. US 100. G & S: HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION, NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES.
First Use: 1973/12/00. First Use In Commerce: 1973/12/00.

Prior Registration(s)

0554488;0554492;0554817;0872340;0969385;0990414;1055560;1293243;1293244-
;AND OTHERS

Filing Date

1985/08/29

Examining Attorney

Print: Nov 8, 2015

73555892

MAYERSCHOFF, GLENN

Attorney of Record

LORA THIELBAR

DESIGN MARK

Serial Number

74480773

Status

REGISTERED AND RENEWED

Registration Number

1997328

Date Registered

1996/08/27

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Blue Cross and Blue Shield Association NOT FOR PROFIT CORPORATION
ILLINOIS 225 N. MICHIGAN AVE. Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
underwriting, financing, administration, and brokerage of life
insurance. First Use: 1996/01/01. First Use In Commerce: 1996/01/01.

Prior Registration(s)

0554488;0554817;0969385;0990414;1055560;1293243;1293244;1420888;1422665-
;1425238;1426942;1632320;1632573;1639079;1691498;1699627;1763481;AND
OTHERS

Lining/Stippling Statement

The mark is lined for the color blue, but color is not claimed as a
feature of the mark.

Filing Date

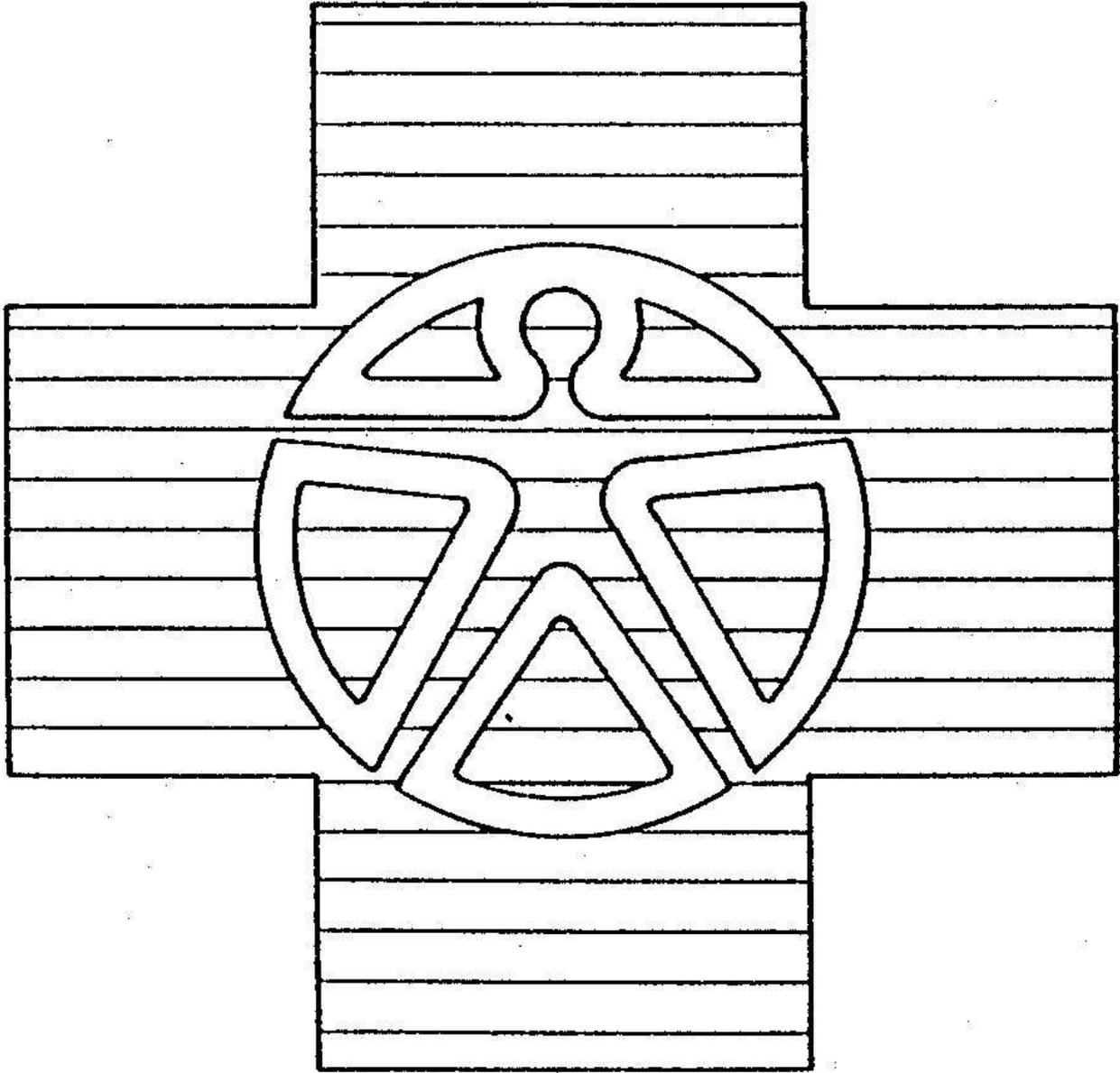
1994/01/21

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

Melissa Rotunno



Print: Nov 8, 2015

74480794

TYPED DRAWING

Serial Number

74480794

Status

REGISTERED AND RENEWED

Word Mark

BLUE CROSS

Standard Character Mark

No

Registration Number

2027402

Date Registered

1996/12/31

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Blue Cross and Blue Shield Association NOT FOR PROFIT CORPORATION
ILLINOIS 225 N. MICHIGAN AVE. Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
underwriting, financing, administration, and brokerage of life
insurance. First Use: 1996/01/01. First Use In Commerce: 1996/01/01.

Prior Registration(s)

0554488;0554817;0969385;0990414;1055560;1293243;1293244;1420888;1422665-
;1425238;1426942;1632320;1632573;1639079;1691498;1699627;1763481;AND
OTHERS

Filing Date

1994/01/21

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

MELISSA ROTUNNO

DESIGN MARK

Serial Number

78598834

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

BLUE CROSS

Standard Character Mark

Yes

Registration Number

3175326

Date Registered

2006/11/21

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Blue Cross Blue Shield Association CORPORATION ILLINOIS 225 N.
Michigan Avenue Chicago ILLINOIS 60601

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:
Administration, financial management and maintenance of health savings
accounts, medical savings accounts, health reimbursement arrangements
and flexible spending accounts. First Use: 1997/04/01. First Use In
Commerce: 1997/04/01.

Prior Registration(s)

0554488;1293244;1426942;AND OTHERS

Filing Date

2005/03/31

Examining Attorney

EULIN, INGRID

Attorney of Record

Melissa Rotunno

Blue Cross

To: Zoom Management, Inc. (pdxtrademarks@dwt.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86614675 - ZOOM - N/A
Sent: 11/8/2015 11:16:24 AM
Sent As: ECOM111@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 **11/8/2015** FOR U.S. APPLICATION SERIAL NO. 86614675

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 **11/8/2015** (*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

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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.