

ESTTA Tracking number: **ESTTA748597**

Filing date: **05/26/2016**

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

Proceeding.	91227452
Applicant	Defendant Zoom Management, Inc.
Other Party	Plaintiff Blue Cross and Blue Shield Association
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Zoom Management, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Zoom Management, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Zoom Management, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

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.

Respectfully submitted,

/Stuart R. Dunwoody/

Stuart R. Dunwoody

stuardunwoody@dwt.com, lisamerritt@dwt.com, sheilafoxmorrison@dwt.com, sandilyn@dwt.com

jcullis@reedsmith.com, jhultquist@reedsmith.com, kpope@reedsmith.com

05/26/2016

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BLUE CROSS AND BLUE SHIELD
ASSOCIATION, an Illinois not-for-profit
corporation,

Plaintiff,

v.

ZOOM CARE, P.C.; ZOOM MANAGEMENT,
INC.; ZOOMCARE; ZOOM CARE HEALTH
PLAN; and ZOOM CARE WASHINGTON,
P.L.L.C.,

Defendants.

No.

COMPLAINT

JURY DEMAND

Plaintiff Blue Cross and Blue Shield Association (“BCBSA” or “Plaintiff”), an Illinois not-for-profit membership-based corporation, complains as follows against Defendants Zoom Care P.C., Zoom Management, Inc.; Zoomcare; Zoom Health Plan, Inc.; and Zoom Care Washington, P.L.L.C., inclusive (each individually, a “Defendant,” and collectively, “Defendants”) for federal trademark infringement, false designation of origin, dilution, common-law trademark infringement and unfair competition, and violation of the Washington Consumer Protection Act.

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I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over the claims in this action under 28 U.S.C. § 1338(a) (Acts of Congress relating to trademarks) and 15 U.S.C. § 1121 (Lanham Act § 39), and federal question jurisdiction pursuant to 28 U.S.C. § 1331. This Court also has diversity jurisdiction under 28 U.S.C. § 1332, because the parties to this action are citizens of different States and the matter in controversy exceeds the sum or value of \$75,000.

Additionally, the Court has jurisdiction over Plaintiff's common-law and state-law claims under 28 U.S.C. § 1338(b) (unfair competition joined with a substantial and related claim under trademark law) and §1367(a) (supplemental jurisdiction).

2. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and (b)(2). Among other things, Defendants reside within this District, a substantial part of the events or omissions giving rise to the claims alleged herein occurred within this District, and a substantial part of the harm alleged herein was directed by Defendants to Plaintiff and felt by Plaintiff (including without limitation through its Member Plan) in this District.

II. PARTIES

3. Plaintiff BCBSA is a not-for-profit membership-based corporation organized and existing under the laws of the State of Illinois, having its corporate offices at 225 North Michigan Avenue, Chicago, Illinois 60601.

4. On information and belief, Defendant Zoom Care, P.C. is a professional corporation organized and existing under the laws of the State of Oregon and registered to do business in the State of Washington, with several physical health care clinics operating in and serving customers in the State of Washington.

5. On information and belief, Defendant Zoom Management, Inc. is a corporation organized and existing under the laws of the State of Oregon, with a principal place of business at 19075 NW Tanasbourne Drive, Suite 200, Hillsboro, Oregon 97124, and is doing business in the State of Washington.

1 6. On information and belief, Defendant Zoomcare is a corporation organized and
2 existing under the laws of the State of Oregon, with a principal place of business at 19075 NW
3 Tanasbourne Drive, Suite 200, Hillsboro, Oregon 97124, and is doing business in the State of
4 Washington.

5 7. On information and belief, Defendant Zoom Health Plan, Inc. is a corporation
6 organized and existing under the laws of the State of Oregon, with a principal place of business
7 at 19075 NW Tanasbourne Drive, Suite 200, Hillsboro, Oregon 97124, and is doing business in
8 the State of Washington.

9 8. On information and belief, Defendant Zoom Care Washington, P.L.L.C. is a
10 professional limited liability corporation organized and existing under the laws of the State of
11 Washington, with a registered agent address at 505 Union Avenue SE, Suite 120, Olympia,
12 Washington 98501.

13 9. On information and belief, at all times relevant to this action, Defendants Zoom
14 Care, P.C., Zoom Management, Inc., Zoomcare, Zoom Health Plan, Inc., and Zoom Care
15 Washington, P.L.L.C., inclusive, were the agents of each other, and in doing the things alleged
16 in this Complaint, were acting within the course and scope of that agency and with each other's
17 knowledge and consent.

18 10. On information and belief, at all times relevant to this action, Defendants Zoom
19 Care, P.C., Zoom Management, Inc., Zoomcare, Zoom Health Plan, Inc., and Zoom Care
20 Washington, P.L.L.C., inclusive, were in apparent or actual partnership regarding the activities
21 complained of herein, exercised joint ownership or control over the services at issue, induced
22 each other to engage in activities complained of herein, and supplied and continued to supply
23 materials and resources to each other after knowing, or after a point at which they should have
24 known, that the materials and resources were being used to engage in the activities complained
25 of herein. Accordingly, on information and belief, Defendants are contributorily and
26 vicariously liable for each other's activities complained of herein.
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III. FACTUAL BACKGROUND

A. Plaintiff Blue Cross and Blue Shield Association's Famous Marks.

11. Headquartered in Chicago, Illinois, BCBSA is a national association of 36 independent, community-based, and locally operated BLUE CROSS and BLUE SHIELD companies (the "BCBS Member Plans"), including Premera Blue Cross in the State of Washington. For over 80 years, BCBSA (including through its predecessors in interest and its BCBS Member Plans and licensees) have provided tens of millions of families with top-quality affordable health care plans. The BCBS Member Plans currently provide health care plans for over 106 million people in the United States—or about 1 in 3 Americans—and offer health care plans in all 50 states, the District of Colombia, and in Puerto Rico. BCBS Member Plans currently have local and national presence in 75% of all Fortune 500 companies and 86% of all Fortune 100 companies.

12. 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 design and word marks, the BLUE SHIELD design and word marks, and other marks consisting of the image of a blue cross or the image of a blue shield (or both). BCBSA licenses the use of its marks to the BCBS 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 BCBS 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).

13. 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

1 have become incontestable under § 15 of the Lanham Act. Additionally, BCBSA owns similar
2 trademark and service mark registrations in more than 170 countries throughout the world. All
3 of these (along with numerous trade names and common-law marks) form a “family” of BLUE
4 trade names, trademarks, and service marks (“Blue Marks”). Under the Lanham Act, BCBSA’s
5 incontestable U.S. federal registrations are conclusive evidence of BCBSA’s exclusive right to
6 use or authorize the use of the Blue Marks in commerce.

7 14. BCBSA (including through its BCBS Member Plans and licensees) has
8 extensively used, advertised, and promoted the Blue Marks throughout the United States. For
9 instance, in past years, annual gross revenue under the Blue Marks has totaled hundreds of
10 billions of dollars. BCBSA (including through its BCBS Member Plans and licensees) spends
11 millions of dollars in advertising and promoting its marks, services, products, and image,
12 thereby creating substantial goodwill in the marketplace. As a result, the general public
13 recognizes the Blue Marks separately and collectively as identifying BCBSA, its BCBS
14 Member Plans, and other licensees—and the quality services they render. The Blue Marks are
15 an asset of incalculable value to BCBSA; and it has vigorously and successfully protected its
16 marks. Moreover, at least as far back as 1977, federal district courts and other legal panels such
17 as the World Intellectual Property Organization Uniform Dispute Resolution Policy Panel have
18 expressly recognized the fame of the Blue Marks in the context of trademark disputes or
19 litigation. In sum, the Blue Marks have long been famous; and the Blue Marks were famous
20 long before Defendants’ adoption or use of its mark at issue.

21 15. Among BCBSA's Blue Marks are a wide range of marks consisting entirely or
22 substantially of either the image of a blue cross or the words BLUE CROSS (or both) (the
23 "Blue Cross Marks"). Historically and through the present, these Blue Cross Marks span a
24 variety of differently-configured crosses, including solid blue crosses; and historically and
25 through the present, the Blue Cross Marks span a wide range of blue colors, from light to dark
26 and through a variety of hues and tones. The Blue Cross Marks have long been famous; and the
27 Blue Cross Marks were famous long before Defendants' adoption or use of its mark at issue.

1 Several of BCBSA's U.S. federal trademark registrations for its Blue Cross Marks are listed in
2 Exhibit A and incorporated herein by reference, as though set forth fully herein; and true and
3 correct copies of print-outs of U.S. Patent & Trademark Office electronic-database records for
4 each of those registrations are attached as Exhibit B and incorporated herein by reference, as
5 though set forth fully herein.

6 **B. Defendants' Prior Actual Knowledge of BCBSA's Blue Cross Marks, Defendants'**
7 **Adoption and Use of a Blue Cross Design Mark and Launch of Health Insurance**
8 **Business.**

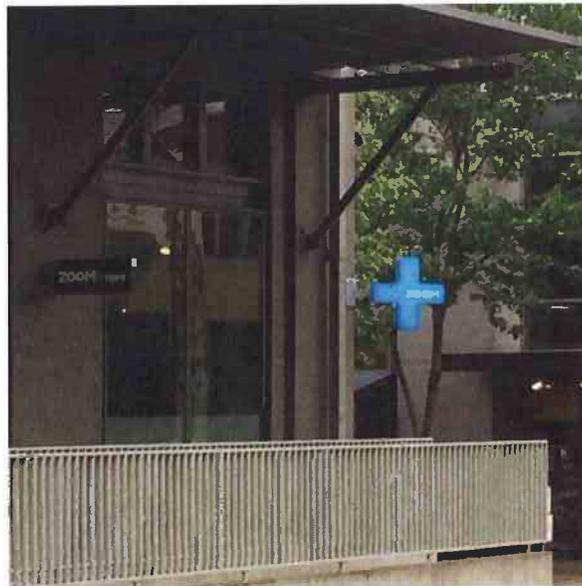
9 16. On information and belief, Defendants own and operate a network of health care
10 clinics, including within the State of Washington. Defendants have long known of the existence
11 of BCBSA, its business, and its use of the Blue Cross Marks (including through its BCBS
12 Member Plans and licensees). Among other things, Defendants have for some time been
13 network providers for Premera Blue Cross in Washington and Regence Blue Cross and Blue
14 Shield of Oregon. Additionally, Defendants have had long actual notice and knowledge of
15 BCBSA's Blue Cross Marks and its rights in them from its publicly-visible U.S. federal
16 registrations, the widespread use and fame of the Blue Cross Marks in the State of Washington,
17 throughout the United States, and internationally.

18 17. On information and belief, in or leading up to 2015, Defendants began plans to
19 launch a new health insurance business under a new mark. On or about April 29, 2015,
20 Defendant Zoom Management filed two applications seeking federal registration of new marks
21 consisting largely or solely of a blue cross design (Applications Serial Nos. 86/615,666 and
22 86/614,675). These two marks are depicted below:



1 These applications seek to establish nationwide exclusive rights in these marks in connection
2 with numerous health-insurance and general health-care services, including, for example,
3 "health insurance administration," "insurance services, namely underwriting and issuance of
4 health insurance," and "health care services." Both applications specifically describe the design
5 element as a "cross in blue."

6 18. On or about May 28, 2015, Defendants issued press releases regarding their
7 "rebranding" to these two marks and the launch of their new "Performance Health Insurance
8 System." Defendants now provide both their health-insurance and health-care services under
9 these marks consisting largely or solely of a blue-cross design. Moreover, Defendants use a
10 blue-cross design as the central brand and theme throughout their website, social media
11 presences, and signage. For example, the image below shows a sign at one of the Defendants'
12 locations, and the sign shows how the main and lasting impression to any passersby is the blue
13 cross:



25 Likewise, Defendants use numerous plain blue-cross designs throughout their website. As
26 examples, below are screen shots from Defendants' website showing title/section graphics and
27 other organizing design elements that emphasize blue crosses:

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In turn, Defendants' social-media presences, such as Facebook, further underscore how central their use of a blue cross is in their branding:



19. On or about May 28, 2015, BCBSA wrote and sent a letter to Defendant Zoom Management, Inc. expressing concerns about Defendants' use of such a similar blue-cross mark in connection with the same services as BCBSA (and its Member Plans and licensees)—and advising of BCBSA's long-established rights in its Blue Cross Marks, including in connection with health-insurance and health-care services. BCBSA asked that Defendants cease and desist from any further use of blue-cross design marks. To date, Defendants continue to use the above-described marks and other cross designs using or containing the color blue.

IV. CAUSES OF ACTION

A. Federal Trademark Infringement - 15 U.S.C. § 1114[1] (against all Defendants)

20. Plaintiff BCBSA restates and re-avers the allegations of Paragraphs 1 - 19, inclusive, as if set forth here in full as part of this claim for relief.

1 21. Defendants have been using and continue to use blue-cross design marks in
2 connection with health-insurance and health-care services, without valid license, permission, or
3 rights. Defendants' blue-cross design marks are very similar in shape and color to BCBSA's
4 Blue Cross Marks. Moreover, Defendants feature these blue-cross designs as central and
5 repeated elements throughout their branding and advertising.

6 22. Defendants' acts and omissions are likely to cause, have caused, and are now
7 causing confusion, mistake, and deception in the public mind that the services and products
8 offered by Defendants are sponsored, approved, or endorsed by BCBSA. Further, Defendants'
9 acts and omissions are likely to cause, have caused, and are now causing confusion, mistake,
10 and deception in the public mind that there is a relationship between BCBSA and Defendants
11 that does not in fact exist.

12 23. As a direct and proximate result of the acts and omissions of Defendants (and
13 each of them) alleged in this Complaint, BCBSA has suffered and will continue to suffer
14 damage to its business, reputation, and goodwill, and other damages, in an amount to be proven
15 at trial.

16 24. The wrongful acts and omissions of Defendants (and each of them) have caused
17 and, unless restrained and enjoined by this Court, will continue to cause, serious irreparable
18 injury and damage to BCBSA and to the goodwill associated with the Blue Cross Marks. These
19 tortious acts have caused and will continue to cause grave injury to the public as well for which
20 Plaintiff has no adequate remedy at law. BCBSA is therefore entitled to injunctive relief as
21 hereinafter set forth.

22 25. Defendants each committed the above-described acts and omissions willfully,
23 and under the circumstances of this case, the Court should award a multiplier of damages of up
24 to three times under Section 35 of the Lanham Act. This is also an exceptional case under
25 Section 35 of the Lanham Act, thereby entitling BCBSA to its reasonable attorneys' fees.
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1 **B. False Designation of Origin - 15 U.S.C. § 1125[a] (against all Defendants)**

2 26. Plaintiff BCBSA restates and re-avers the allegations of Paragraphs 1 - 25,
3 inclusive, as if set forth here in full as part of this claim for relief.

4 27. The above-described use by Defendants (and each of them) of blue-cross design
5 marks is a false designation of origin as to the services or products made available by
6 Defendants in interstate commerce. By virtue of Defendants' use of blue-cross design marks,
7 consumers who use or learn of the services or goods of Defendants (and each of them) will
8 mistakenly believe that the goods and services associated with one or more of the Defendants
9 originate with, are sponsored by, or are affiliated with BCBSA.

10 28. The adoption and use by Defendants (and each of them) of marks confusingly
11 similar to the Blue Cross Marks, the continuation of such use, and all of the other acts and
12 omissions of Defendants (and each of them) create the likelihood that the public will be
13 confused as to the true source, sponsorship, or affiliation of the goods or services of Defendants
14 (and each of them). As a result, BCBSA and the public have been damaged, and unless
15 Defendants are each enjoined, will continue to be irreparably damaged further, as hereinabove
16 alleged.

17 29. Defendants each committed the above-described acts and omissions willfully,
18 and under the circumstances of this case, the Court should award a multiplier of damages of up
19 to three times under § 35 of the Lanham Act. This is also an exceptional case under § 35 of the
20 Lanham Act, thereby entitling BCBSA to its reasonable attorneys' fees.

21 **C. Dilution - 15 U.S.C. § 1125[c] (against all Defendants)**

22 30. Plaintiff BCBSA restates and re-avers the allegations of Paragraphs 1 – 29,
23 inclusive, as if set forth here in full as part of this claim for relief.

24 31. The above-described use by Defendants (and each of them) of blue-cross design
25 marks is likely to impair and has impaired the distinctiveness of the Blue Cross Marks and their
26 ability to identify and distinguish the goods and services of BCBSA—and has also harmed the
27

1 reputation of the famous Blue Cross Marks by associating them with one or more of the
2 Defendants.

3 32. The above-described acts and omissions by Defendants (and each of them) have
4 caused irreparable and continuing injury to BCBSA and the public. Defendants each further
5 willfully intended to trade on the reputation of BCBSA and to cause dilution of its marks.

6 33. Defendants each committed the above-described acts and omissions willfully,
7 and under the circumstances of this case, the Court should award a multiplier of damages of up
8 to three times under § 35 of the Lanham Act. This is also an exceptional case under § 35 of the
9 Lanham Act, thereby entitling BCBSA to its reasonable attorneys' fees.

10 **D. Common Law Trademark and Unfair Competition (against all Defendants)**

11 34. Plaintiff BCBSA restates and re-avers the allegations of Paragraphs 1 - 33,
12 inclusive, as if set forth here in full as part of this claim for relief.

13 35. The above-described use by Defendants (and each of them) of blue-cross design
14 marks and the above-described acts and omissions by Defendants (and each of them) constitute
15 trademark infringement and unfair competition at common law. BCBSA and the public have
16 been damaged by this infringement and unfair competition, and, unless Defendants are each
17 enjoined, will continue to be damaged.

18 36. These above-described uses and acts permit Defendants each to misappropriate
19 and unfairly trade upon the valuable goodwill and reputation of BCBSA and will subject the
20 goodwill and reputation in the Blue Marks to the hazards and perils attendant upon the business
21 activities of Defendants (and each of them), activities over which BCBSA has no control.

22 **E. Violation of the Washington Consumer Protection Act – RCW 19.86, et seq.**
23 **(against all Defendants)**

24 37. Plaintiff BCBSA restates and re-avers the allegations of Paragraphs 1 - 36,
25 inclusive, as if set forth here in full as part of this claim for relief.

26 38. The above-described conduct of Defendants (and each of them) constitutes an
27 unfair method of competition and/or an unfair or deceptive act or practice, which has the

1 capacity to deceive a substantial portion of the public. Among other things, Defendants'
2 conduct tends to and does deceive or mislead persons of ordinary caution into the belief that
3 they are dealing with one concern when they are in fact dealing with another.

4 39. Moreover, the above-described conduct of Defendants (and each of them)
5 occurred and continues to occur in the course of Defendants' trade or commerce that directly
6 and indirectly affects the people of the State of Washington—and affects the public interest
7 because, among other things, it is likely to confuse the public.

8 40. BCBSA has and will continue to suffer injury to its business or property as a
9 result of Defendants' conduct, including but not limited to a loss of goodwill.

10 **V. JURY DEMAND**

11 In accordance with Fed.R.Civ.P. 38 and LCR 38(b), Plaintiff hereby demands a trial by
12 jury trial for all issues so triable.

13 **PRAYER FOR RELIEF**

14 Plaintiff Blue Cross and Blue Shield Association prays as follows against Defendants
15 (and each of them):

16 A. For an order that Defendants (and each of them) be temporarily and permanently
17 enjoined and restrained from directly or indirectly:

18 i. Using any crosses (or designs with the same or similar shape as a cross
19 or otherwise with the commercial impression of a cross) that use or
20 contain the color blue (or any color with the commercial impression of
21 blue)—including without limitation by placing the design against a blue
22 background—or using any trademark, service mark, or trade name
23 including or confusingly similar to any of the Blue Marks;

24 ii. Performing any actions or using any words, names, styles, titles or marks
25 that are likely to cause confusion, to cause mistake, or to deceive or
26 otherwise mislead the trade or public into believing that it is endorsed or
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- sponsored by, affiliated with, or associated in any way with BCBSA;
- iii. Using any trade practices whatsoever, including those complained of herein, which tend to unfairly compete with or injure BCBSA, its businesses, and the goodwill pertaining thereto;
 - iv. Applying to register, maintaining an application for registration, registering, or maintaining a registration for any mark incorporating any cross (or design with the same or similar shape as a cross or otherwise with the commercial impression of a cross) that uses or contains the color blue (or any color with the commercial impression of blue)—including without limitation by placing the design against a blue background—or any trademark, service mark, or trade name confusingly similar to any of the Blue Marks;
- B. For an order that any applications by any of the Defendants for marks consisting of or including a cross design (or design with the same or similar shape as a cross or otherwise with the commercial impression of a cross) using or containing the color blue (or any color with the commercial impression of blue)—including without limitation by placing the design against a blue background—be denied registration (including without limitation Applications Serial Nos. 86/615,666 and 86/614,675) and, if any such applications should gain registration during the pendency of this suit, for an order that such registrations be canceled;
- C. For damages against each Defendants (and each of them) in the amount of its profits and compensatory damages for the injuries sustained by BCBSA directly or indirectly in consequence of the acts and omissions described in this Complaint, according to proof;
- D. For treble damages under 15 U.S.C. § 1117(b);
- E. For its costs and attorneys' fees pursuant to 15 U.S.C. § 1117(a), RCW

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19.86.090, and as may otherwise be permitted by law; and

F. For any other relief that the Court deems just and proper.

DATED: June 22, 2015.

SAVITT BRUCE & WILLEY LLP

By /s/ Stephen C. Willey
Stephen C. Willey, WSBA #24499
1425 Fourth Avenue, Suite 800
Seattle, WA 98101-2272
Tel: (206) 749-0500; Fax (206) 749-0600
Email: swilley@sbwllp.com

*Attorneys for Plaintiff
Blue Cross and Blue Shield Association*

Of Counsel:

HANSON BRIDGETT LLP
Susan G. O'Neill
Garner K. Weng
Christopher Walters
425 Market Street, 26th Floor
San Francisco, CA 94105
Tel: (415) 777-3200

Exhibit A

BCBSA FEDERAL REGISTRATIONS				
No.	Mark	Reg. No.	Issued	Goods or Services
1.	BLUE CROSS	554,488	02/05/52	Distribution of hospital care on a prepayment-financing basis
2.	BLUE CROSS DESIGN	554,817	02/12/52	Distribution of hospital care on a prepayment-financing basis
3.	BLUE CROSS DESIGN	969,385	09/25/73	Prepaid financing of hospital and healthcare services
4.	BLUE CROSS DESIGN	990,414	08/06/74	Prepaid financing of hospital and healthcare services
5.	BLUE CROSS DESIGN	1,055,560	01/04/77	Booklets dealing with healthcare benefits
6.	BLUE CROSS DESIGN	1,293,243	09/04/84	Prepaid financing and administration of dental and related healthcare services
7.	BLUE CROSS DESIGN	1,425,238	01/13/87	Home healthcare services, preventive healthcare services, healthcare 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
8.	BLUE CROSS	1,426,942	01/27/87	Home healthcare services, preventive healthcare services, healthcare 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
9.	BLUE CROSS	1,632,573	01/22/91	Prepaid financing and

BCBSA FEDERAL REGISTRATIONS				
No.	Mark	Reg. No.	Issued	Goods or Services
				administration of medical, hospital and related health services
10.	BLUE CROSS	1,691,498	06/09/92	Educational books, binders, trade journals, and newsletters in the field of health and insurance; printed forms, notebooks, pens and pencils
11.	BLUE CROSS DESIGN	1,699,627	07/07/92	Healthcare services rendered through a health-maintenance organization, namely, physician services, dental services, hospital services, home healthcare services, preventative healthcare services, healthcare services, medical lab services, counseling services in the field of family planning, mental health services and pharmacy services
12.	BLUE CROSS DESIGN	1,763,481	04/06/93	Association services; namely promoting the interest of providing quality, cost effective health care
13.	BLUE CROSS DESIGN	1,826,582	03/15/94	Prepaid financing, and administration thereof, of dental, hospital and related healthcare services
14.	BLUE CROSS DESIGN	1,997,328	01/21/94	Underwriting, financing, administration, and brokerage of life insurance
15.	BLUE CROSS	2,027,402	12/31/96	Underwriting, financing, administration, and brokerage of life insurance
16.	BLUE CROSS DESIGN	3,172,396	11/14/06	Administration, financial management and maintenance of health savings accounts, medical savings accounts, and flexible spending accounts; insurance claims administration

Exhibit B



United States Patent and Trademark Office

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Record 1 out of 1

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Typed Drawing

Word Mark BLUE-CROSS
Goods and Services IC 036. US 102. G & S: DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS. FIRST USE: 19341200. FIRST USE IN COMMERCE: 19341200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 71536214
Filing Date September 30, 1947
Current Basis 1A
Original Filing Basis 1A
Registration Number 0554488
Registration Date February 5, 1952
Owner (REGISTRANT) AMERICAN HOSPITAL ASSOCIATION CORPORATION ILLINOIS 18 EAST DIVISION STREET CHICAGO ILLINOIS
 (LAST LISTED OWNER) BLUE CROSS AND BLUE SHIELD ASSOCIATION CORPORATION BY MERGER AND CHANGE OF NAME FROM ILLINOIS 225 North Michigan Avenue CHICAGO ILLINOIS 60601
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record TERESA D. TAMBOLAS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20111209.
Renewal 4TH RENEWAL 20111209
Live/Dead Indicator LIVE

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Goods and Services IC 036. US 102. G & S: DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS. FIRST USE: 19341200. FIRST USE IN COMMERCE: 19341200

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Serial Number 71531753

Filing Date August 19, 1947

Current Basis 1A

Original Filing Basis 1A

Registration Number 0554817

Registration Date February 12, 1952

Owner (REGISTRANT) AMERICAN HOSPITAL ASSOCIATION CORPORATION ILLINOIS 18 EAST DIVISION STREET CHICAGO ILLINOIS

 (LAST LISTED OWNER) BLUE CROSS AND BLUE SHIELD ASSOCIATION CORPORATION BY MERGER WITH ILLINOIS 676 N. ST. CLAIR ST. CHICAGO ILLINOIS 60611

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Melissa Rotunno

Description of Mark THE DRAWING IS LINED TO INDICATE THE COLOR BLUE.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20120113.
Renewal 4TH RENEWAL 20120113
Live/Dead Indicator LIVE

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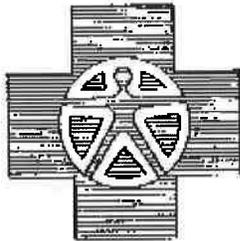
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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services IC 036. US 102. G & S: PREPAID FINANCING OF HOSPITAL AND HEALTH CARE SERVICES. FIRST USE: 19721109. USED IN ANOTHER FORM 1934 AS TO THE REPRESENTATION OF THE BLUE CROSS. FIRST USE IN COMMERCE: 19721109

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.01.21 - Circles that are totally or partially shaded.

Serial Number 72442919

Filing Date December 5, 1972

Current Basis 1A

Original Filing Basis 1A

Registration Number 0969385

Registration Date September 25, 1973

Owner (REGISTRANT) BLUE CROSS ASSOCIATION CORPORATION ILLINOIS 840 N. LAKE SHORE DRIVE CHICAGO ILLINOIS 60611

(LAST LISTED OWNER) BLUE CROSS AND BLUE SHIELD ASSOCIATION NON-PROFIT CORPORATION BY MERGER AND CHANGE OF NAME FROM ILLINOIS 225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Assignment Recorded ASSIGNMENT RECORDED
 Melissa Rotunno

Attorney of Record
Prior Registrations 0554492;0872340;AND OTHERS
Description of Mark THE DRAWING IS LINED FOR THE COLOR BLUE.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130411.
Renewal 3RD RENEWAL 20130411
Live/Dead Indicator LIVE

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Goods and Services IC 036. US 102. G & S: PRE-PAID FINANCING OF HOSPITAL AND HEALTH CARE SERVICES. FIRST USE: 19721109. FIRST USE IN COMMERCE: 19721109

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.01.21 - Circles that are totally or partially shaded.

Serial Number 72450146

Filing Date March 1, 1973

Current Basis 1A

Original Filing Basis 1A

Registration Number 0990414

Registration Date August 6, 1974

Owner (REGISTRANT) BLUE CROSS ASSOCIATION CORPORATION ILLINOIS 840 N. LAKE SHORE DRIVE CHICAGO ILLINOIS 60611

 (LAST LISTED OWNER) BLUE CROSS AND BLUE SHIELD ASSOCIATION NON-PROFIT CORPORATION BY CHANGE OF NAME FROM ILLINOIS 225 N. MICHIGAN AVENUE CHICAGO ILLINOIS 60601

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record MELISSA ROTUNNO

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140325.
Renewal 3RD RENEWAL 20140325
Live/Dead Indicator LIVE

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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services IC 016. US 038. G & S: BOOKLETS DEALING WITH HEALTH CARE BENEFITS. FIRST USE: 19721109. FIRST USE IN COMMERCE: 19721109

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)

Serial Number 73082826

Filing Date April 5, 1976

Current Basis 1A

Original Filing Basis 1A

Registration Number 1055560

Registration Date January 4, 1977

Owner (REGISTRANT) BLUE CROSS ASSOCIATION CORPORATION ILLINOIS 840 N. LAKE SHORE DRIVE CHICAGO ILLINOIS 60611

(LAST LISTED OWNER) BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION BY MERGER AND CHANGE OF NAME FROM ILLINOIS 225 NORTH MICHIGAN AVENUE 6TH FLOOR CHICAGO ILLINOIS 60601

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record MELISSA ROTUNNO

Prior Registrations 0969385;0990414
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061217.
Renewal 1ST RENEWAL 20061217
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Goods and Services IC 036. US 102. G & S: Prepaid Financing and Administration of Dental and Related Health Care Services. FIRST USE: 19681231. FIRST USE IN COMMERCE: 19681231

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
26.01.02 - Circles, plain single line; Plain single line circles

Serial Number 73436072

Filing Date July 25, 1983

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 12, 1984

Registration Number **1293243**

Registration Date September 4, 1984

Owner (REGISTRANT) Blue Cross and Blue Shield Association CORPORATION ILLINOIS 225 N. Michigan Avenue Chicago ILLINOIS 60601

Attorney of Record MELISSA ROTUNNO

Prior Registrations 0554817;0969385;AND OTHERS

Description of Mark The drawing is lined for the color blue; however, color is not an essential part of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140506.
Renewal 2ND RENEWAL 20140506
Live/Dead Indicator LIVE

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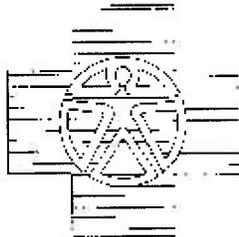
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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services 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: 19731200. FIRST USE IN COMMERCE: 19731200

Mark Drawing Code (2) DESIGN ONLY

Design 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
Search Code 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.01.21 - Circles that are totally or partially shaded.

Serial Number 73555889

Filing Date August 29, 1985

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 21, 1986

Registration Number 1425238

Registration Date January 13, 1987

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

Attorney of Record LORA THIELBAR
Prior Registrations 0554492;0554817;0872340;0969385;0990414;1055560;1293243;AND OTHERS
Description of Mark THE MARK IS LINED FOR THE COLOR BLUE.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061217.
Renewal 1ST RENEWAL 20061217
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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark BLUE CROSS
Goods and Services 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: 19731200. FIRST USE IN COMMERCE: 19731200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73555892
Filing Date August 29, 1985
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 4, 1986
Registration Number 1426942
Registration Date January 27, 1987
Owner (REGISTRANT) BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION ILLINOIS 6TH FLOOR 225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601
Attorney of Record LORA THIELBAR
Prior Registrations 0554488;0554492;0554817;0872340;0969385;0990414;1055560;1293243;1293244; AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061217.

Renewal 1ST RENEWAL 20061217

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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark BLUE CROSS
Goods and Services IC 036. US 101 102. G & S: prepaid financing and administration of medical, hospital and related health services. FIRST USE: 19341200. FIRST USE IN COMMERCE: 19341200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74048934
Filing Date April 16, 1990
Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 30, 1990
Registration Number **1632573**
Registration Date January 22, 1991
Owner (REGISTRANT) Blue Cross and Blue Shield Association NOT-FOR-PROFIT CORPORATION ILLINOIS 225 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60601
Attorney of Record Melissa Rotunno
Prior Registrations 0554488;0554492;1293244;1426942;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100727.
Renewal 2ND RENEWAL 20100727
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Typed Drawing

Word Mark BLUE CROSS
Goods and Services IC 016. US 037 038. G & S: educational books, binders, trade journals, and newsletters in the field of health and insurance; printed forms, notebooks, pens and pencils. FIRST USE: 19341200. FIRST USE IN COMMERCE: 19341200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74169913
Filing Date May 24, 1991
Current Basis 1A
Original Filing Basis 1A
Published for Opposition March 17, 1992
Registration Number 1691498
Registration Date June 9, 1992
Owner (REGISTRANT) BLUE CROSS AND BLUE SHIELD ASSOCIATION AKA BLUECROSSSS BLUESHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION ILLINOIS 225 NORTH MICHIGAN AVE. Chicago ILLINOIS 60601
Prior Registrations 0554448;0554492;0670626;1293244;1426942;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120807.
Renewal 2ND RENEWAL 20120807
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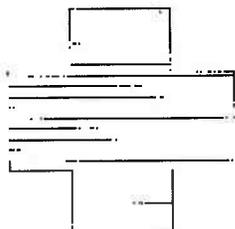
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Goods and Services IC 042. US 100. G & S: health care services rendered through a health maintenance organization; namely, physician services, dental services, hospital services, home health care services, preventative health care services, health care services, medical lab services, counselling services in the field of family planning, mental health services and pharmacy services. FIRST USE: 19880628. USED IN ANOTHER FORM First used in another form in December 1972. FIRST USE IN COMMERCE: 19880628

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)

Serial Number 74187033

Filing Date July 22, 1991

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 14, 1992

Registration Number 1699627

Registration Date July 7, 1992

Owner (REGISTRANT) BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT-FOR-PROFIT CORPORATION ILLINOIS 225 North Michigan Avenue, Street Chicago ILLINOIS 60601

Prior Registrations 0554816;0969385;0990414;1055560;1293243;1422665;1425238;AND OTHERS

The drawing is lined for the color blue.

Description of Mark

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120719.

Renewal 2ND RENEWAL 20120719

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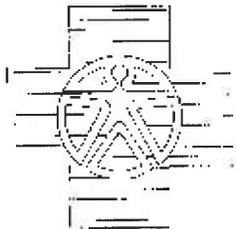
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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services IC 042. US 100. G & S: association services; namely, promoting the interest of providing quality, cost effective health care. FIRST USE: 19721200. FIRST USE IN COMMERCE: 19721200

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
 04.07.02 - Objects forming a person; Person formed by objects
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number 74268723

Filing Date April 24, 1992

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 12, 1993

Registration Number 1763481

Registration Date April 6, 1993

Owner (REGISTRANT) BLUE CROSS AND BLUE SHIELD ASSOCIATION NOT FOR PROFIT CORPORATION ILLINOIS 225 North Michigan Avenue Chicago ILLINOIS 60601

Attorney of Record Melissa Rotunno

Prior Registrations 0969385;0990414;1293243

Description of Mark The drawing is lined for the color blue.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121226.
Renewal 2ND RENEWAL 20121226
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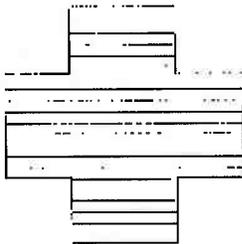
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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services IC 036. US 102. G & S: prepaid financing, and administration thereof, of dental, hospital and related health care services. FIRST USE: 19341200. FIRST USE IN COMMERCE: 19341200

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)

Serial Number 74049148

Filing Date April 16, 1990

Current Basis 1A

Original Filing Basis 1A

Published for Opposition September 21, 1993

Registration Number **1826582**

Registration Date March 15, 1994

Owner (REGISTRANT) Blue Cross and Blue Shield Association NOT-FOR-PROFIT CORPORATION ILLINOIS 225 North Michigan Avenue Chicago ILLINOIS 60601

Attorney of Record Melissa Rotunno

Prior Registrations 0554817;0969385;0990414;1055560;AND OTHERS

Description of Mark The drawing is lined for the color blue.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140123.
Renewal 2ND RENEWAL 20140123
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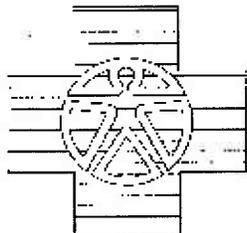
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Goods and Services IC 036. US 100 101 102. G & S: underwriting, financing, administration, and brokerage of life insurance. FIRST USE: 19960101. FIRST USE IN COMMERCE: 19960101

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
 26.01.02 - Circles, plain single line; Plain single line circles

Serial Number 74480773

Filing Date January 21, 1994

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 6, 1994

Registration Number 1997328

Registration Date August 27, 1996

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

Attorney of Record Melissa Rotunno

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

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

Type of Mark SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060809.
Renewal 1ST RENEWAL 20060809
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Typed Drawing

Word Mark BLUE CROSS
Goods and Services IC 036. US 100 101 102. G & S: underwriting, financing, administration, and brokerage of life insurance. FIRST USE: 19960101. FIRST USE IN COMMERCE: 19960101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74480794
Filing Date January 21, 1994
Current Basis 1A
Original Filing Basis 1B
Published for Opposition November 1, 1994
Registration Number 2027402
Registration Date December 31, 1996
Owner (REGISTRANT) Blue Cross and Blue Shield Association NOT FOR PROFIT CORPORATION ILLINOIS 225 N. MICHIGAN AVE. Chicago ILLINOIS 60601
Attorney of Record MELISSA ROTUNNO
Prior Registrations 0554488;0554817;0969385;0990414;1055560;1293243;1293244;1420888;1422665;1425238;1426942;1632320;1632573;1639079;1691498;1699627;1763481;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060719.
Renewal 1ST RENEWAL 20060719
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Goods and Services IC 036. US 100 101 102. G & S: Administration, financial management and maintenance of health savings accounts, medical savings accounts, and flexible spending accounts; insurance claims administration. FIRST USE: 19970401, FIRST USE IN COMMERCE: 19970401

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)
26.01.01 - Circles as carriers or as single line borders

Serial Number 78598844

Filing Date March 31, 2005

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 14, 2006

Registration Number 3172396

Registration Date November 14, 2006

Owner (REGISTRANT) Blue Cross and Blue Shield Association CORPORATION ILLINOIS 225 N. Michigan Avenue Chicago ILLINOIS 60601

Attorney of Record Melissa Rotunno

Prior Registrations 0969385;0990414;1422665

Description of Mark

The color(s) blue and white is/are claimed as a feature of the mark. The outline of the circle and the outline of the human figure appear in white. The remainder of the cross and the human body appear in blue.

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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