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Filing date: **06/14/2016**

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

Proceeding	91227978
Party	Defendant The Insurance Source
Correspondence Address	GUY V FURAY THE INSURANCE SOURCE 114 TRADE STREET GREER, SC 29651 UNITED STATES
Submission	Answer
Filer's Name	Guy V Furay
Filer's e-mail	guy@insure-u.com, team@insure-u.com
Signature	/Guy V Furay/
Date	06/14/2016
Attachments	Combined Insurance Company v. The Insurance Source Answer 6-14-16.pdf(796674 bytes)

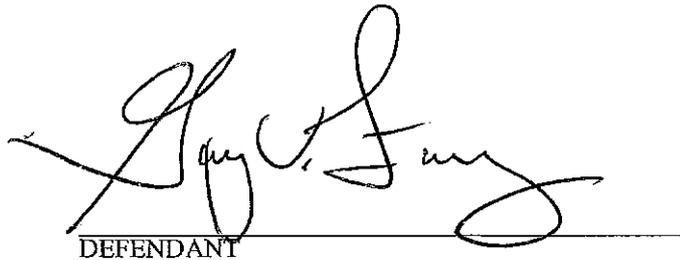
1
2 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
3 **BEFORE THE TRIAL AND APPEAL BOARD**
4

5
6 IN RE: APPLICATION OF THE INSURANCE SOURCE
7 APPLICATION NO.: 86/734, 955
8 FILED: AUGUST 24, 2015
9 MARK: WE MAKE HEALTH INSURANCE EASIER
10

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13
14
15 COMBINED INSURANCE COMPANY OF AMERICA, INC, Opposition No.: 91227978
16 Plaintiff, Serial No. 86734955
17 vs.
18 THE INSURANCE SOURCE, ANSWER
19 Defendant

20 Hon. Commissioner for Trademarks
21 PO Box 1451
22 Alexandria, Virginia 22313-1451
23 Attn: Trademark Trial and Appeal Board

24 Dated this 13th of June, 2016.
25
26
27

28
29
30
31 
32
DEFENDANT

Combined Insurance Company v. The Insurance Source Opposition No. 91227978

ANSWER

“Trademark is defined broadly as including a word, name symbol...or any combination thereof – used by a person...to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods...in essence, a trademark is anything that functions as a source identifier to consumers. Businesses rely on their marks to identify their products and services and distinguish them from those of their competitors. The public relies on marks to distinguish among competing producers and as a guarantee of quality.”¹

The Insurance Source takes the matter of trademark law and responsible marketing very seriously. We believe that we have a right (and indeed a responsibility to our consumers) to describe what we do in a clear and straightforward way. This enables our customer to evaluate our brand in comparison to every other brand in our industry.

What exactly is that industry?

The Insurance Source is an online broker of qualified health insurance products. Qualified health insurance is defined by the United States Department of Health and Human Services as:

“An insurance plan that is certified by the Health Insurance Marketplace, provides essential Health benefits, follows established limits on cost sharing (like deductibles, copayments, and Out of Pocket maximum amounts) and meets other requirements. A qualified health plan will have a certification by each Marketplace in which it is sold.”²

¹ April 2011 Department of Commerce Report to Congress
http://www.uspto.gov/ip/TMLitigationReport_final_2011April27.pdf

² <https://www.healthcare.gov/glossary/qualified-health-plan/>

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The federal government further describes qualified health plans this way:

“All plans offered in the Marketplace cover the same set of essential health benefits. Every

Health plan **must** cover the following services:

- *Ambulatory patient services
- *Emergency Services
- *Hospitalization
- *Pregnancy, maternity, and newborn care
- *Mental Health and Substance Abuse Services
- *Prescription Drugs
- *Rehabilitative and Habilitative Services and Devices
- *Laboratory Services
- *Preventive and Wellness Services
- *Pediatric Services, including oral and vision care.”³

Since there are a lot of ways and many resources to purchase health insurance, we developed a marketing tagline to describe exactly what we do to differentiate ourselves in the market and allow the customers to differentiate between competitors.

Every single word of the tagline is intentional, and chosen very carefully. The result was:

“We Make Health Insurance Easier”

-- The word “We” was chosen to reflect our Team approach.

-- The word “Make” was chosen to reflect our active evaluation and listening process

-- The Words “Health Insurance” were selected to specify exactly what industry and products we sell to aid customers in evaluation and recognition of our brand.

-- The Word “Easier” is probably the most important word choice of all. Note carefully, we did NOT choose the word “Easy.” Easy implies a piece of cake. But, by its very definition, insurance is **NOT EASY.**

It’s an abstract product that many very smart people cannot understand. We believe that our technology, knowledge, and methods of explanation dramatically simplify the experience of purchasing health insurance resulting in a much more relaxed and confident consumer. Hence the word “Easier.”

³ <https://www.healthcare.gov/blog/10-health-care-benefits-covered-in-the-health-insurance-marketplace/>

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Thereafter, having developed this marketing tagline, we took certain steps. These are:

- 1) On November 11, 2014, we registered this service mark with the state of South Carolina. This was approved. We've used the trademark in commerce continuously since that date.
- 2) We initiated a comprehensive search of the USPTO to make sure that there were no conflicts with anyone whatsoever and that we were not infringing on any company's valuable trademark. There were none. (please see Exhibit A – exact word search from the USPTO)
- 3) Finding no conflicts at all, we applied for a trademark with the USPTO, first for our image which contains our marketing slogan, and then for the marketing slogan itself.
- 4) Our very logo itself is also intentional. In trademark law, it is considered “suggestive” with the presence of the shield to delineate protection. (please see Exhibit B – our logo image)
- 5) The United States Patent and Trademark Office “approved for use” (please see Exhibit C)
- 6) The USPTO then issued us the “Acceptance of statement of use.” (please see Exhibit D)
- 7) Combined Insurance Company then issued a “demand letter” (please see Exhibit E)
- 8) We responded promptly to this demand letter that we did not see any conflict with the marks. (please see Exhibit F)
- 9) On May 18th, Combined Insurance Company filed a “Notice of Opposition.” This notice was filed with the grounds for opposition being “priority and likelihood of confusion.” They based this opposition exclusively on Trademark Act Section 2D, which states:

“Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office...as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, to cause mistake, or to deceive.” 4

4 http://www.uspto.gov/sites/default/files/trademarks/law/Trademark_Statutes.pdf

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This Trademark Act Section 2D is the entire basis for their argument. We find this complaint completely without merit.

Our contention is that the claims of Combined Insurance Company and their attorneys Blank Rome are a stark and clear example of “trademark bullying” which was described by US Senator Patrick Leahy and specifically referenced in S. 2968: The Trademark Technical and Conforming Amendment Act of 2010 this way:

“I am concerned that large corporations are at times abusing the substantial rights Congress has granted them in their intellectual property to the detriment of small businesses. We saw a high-profile case like this in Vermont last year involving a spurious claim against Rock Art Brewery. When a corporation exaggerates the scope of its rights far beyond a reasonable interpretation in an attempt to bully a small business out of the market that is wrong.”⁵

It is our strong belief that this notice of opposition is a classic case of trademark bullying as described above. Preventing The Insurance Source from registering our legitimate, specific, and suggestive mark on the grounds of likelihood of consumer confusion is not plausible. It would also essentially grant and legally enforce an additional patent for Combined Insurance that it has not, does not, and never will use or practice, and in the process deny The Insurance Source our legitimate rights in commerce as a small business to fairly, accurately, and clearly describe who we are and what we do.

We intend to show that there is almost no similarity in the respective marks beyond operating in the same general industry. On top of all of this, Combined Insurance states specifically in the patent registrant description that:

“No claim is made to the exclusive right to use “Insurance” apart from the mark as shown.”

(please see Exhibit G: Combined Insurance Company patent registrant description)

⁵ http://www.uspto.gov/ip/TMLitigationReport_final_2011April27.pdf

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In our opinion, it is critically important to note that Combined Insurance Company and The Insurance Source are only peripherally in the same industry – Insurance – The same way that Cargill and Kentucky Fried Chicken are both in the “food” business. Combined Insurance Company has no qualified health insurance products as defined by Department of Health and Human Services available for sale anywhere in the country. We do not sell to the same customers. We do not offer the same products. Using common sense, if Cargill had a trademark that said “Let’s Do This Right” (very apt comparison as it would be a vague mark just like the mark of Combined Insurance Company), no one would argue that Kentucky Fried Chicken should be prevented from trademarking the phrase “We Do Chicken Right!” as this would severely handicap the latter’s right to fairly, clearly and accurately describe their products and also deprive the customer of the ability to quickly determine between different competing products based on what they desired to buy. It just doesn’t even come close to passing the common sense test.

In order to prove our case, we will refer to something called a LAPP test, which examines (among other things):

- a) *Similarity of the Marks*
- b) *Strength of the Plaintiff’s Mark*
- c) *Sophistication of consumers when purchasing*
- d) *Intent of the Defendant in Adopting the Mark*
- e) *Evidence of Actual Confusion (or lack thereof in this case)*

Combined Insurance Company v. The Insurance Source Opposition No. 91227978

Similarity of the Marks

The Combined Insurance Company has trademarked the phrase "Let's Make This Easy."

This mark is incredibly vague. It doesn't reference who the company is, what they do, or even what product they even sell. It seems quite generic to me.

Please see Exhibit H. The insure-u.com mark

This mark is very specific, and allows the customer to know at a glance what we do and why it matters. The only similarities between these 2 marks are that we both are in the general insurance industry, that we share the word "make" and that we reference a derivative of the word Easy. As referenced earlier, I think the words "Easy" and "Easier" are quite different actually. One implies an absolute breeze (Easy) and the other implies a smoother calmer experience. It is my contention that the word "Easy" in reference to insurance would quite possibly be misleading in some circumstances or potentially even a false advertising claim under Section 43A of the Lanham Act. 6

For the majority of people, insurance is simply not easy. This is precisely the reason that we chose the word "Easier" instead of choosing a word with a completely different meaning in the word "Easy."

6 <http://www.law360.com/articles/660015/your-trademark-could-be-a-false-advertisement>

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6 <http://www.law360.com/articles/660015/your-trademark-could-be-a-false-advertisement>

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Strength of the Plaintiff's Mark

I'm certainly familiar with the Combined Insurance Company, having been in the insurance business for nearly 20 years. They have a very good reputation. But I would suggest that their tagline is not even close to being as well-known as some of their competitors, such as AFLAC "We've Got You under our Wing" or Allstate "You're in Good Hands with Allstate."

I chose these specific companies for comparison purposes because each of these companies DOES directly compete for business with the Combined Insurance Company, and as such are most relevant for comparing the relative strength of the Plaintiff's mark.

These marks are distinctive, memorable and suggestive. Nearly anyone would immediately know the referenced company simply by those words. In contrast, "Let's Make This Easy" could mean anything.

In fact, a Google search of the terms Let's Make This Easy does not return Combined Insurance Company in the first 20 pages of search, perhaps because of the generic, non-specific nature of the mark.

(Please see Exhibits I, J, K, Google results for search terms of the trademarked taglines of AFLAC, Allstate, and Combined Insurance Company respectively)

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Sophistication of Consumers When Purchasing

I could be wrong, but I don't think anyone would feel that "We Make Health Insurance Easier" references a company that sells anything but health insurance. This fact seems pretty clear to us.

What does a consumer feel when they hear "Let's Make this Easy"? The phrase could reference could any of a million things. The google list of sites for those terms includes: engineering, college financial aid, math, how to make a toast. Maybe a cleaning or vacuuming machine? An easy way to change the oil in your car? These are valid questions.

If a customer wants "Supplemental Health Insurance" they would search for a company like Combined Insurance, AFLAC, Colonial, or Allstate. Since these companies do not even sell health insurance, it would not take long for a visitor to the website of Combined Insurance to ascertain that this is the wrong place for purchasing health insurance. For example, the main feature on their website shows "Supplementally Speaking".

If a consumer wanted to purchase a qualified health insurance plan, and landed on CombinedInsurance.com, they would quickly realize they were in the wrong place because they do NOT sell health insurance.

Meanwhile, if the customer wanted to purchase health insurance and they went to insure-u.com they would quickly realize they are in the right place. Conversely, if they wanted Supplemental insurance, and landed on insure-u.com, they would quickly realize they are in the wrong place for that product as that is not what we sell.

Combined Insurance Company v. The Insurance Source Opposition No. 91227978

Intent of the Defendant in Adopting the Mark

Our intent in adopting our mark was very simple and straightforward. Describe exactly what we do and why it matters, so that customers can evaluate our products and services in comparison to all the other ways to purchase health insurance in today's health insurance market.

I was not in any way familiar with the advertising tagline of Combined Insurance Company when we started marketing our company with "We Make Health Insurance Easier" in 2014.

We followed the rules as we understood them. We conducted a thorough search of trademark registrations both in SC and with the USPTO. They came back clear. The examining attorney of the USPTO saw no infringement on any marks and approved our mark for use.

In no way, shape or form did we intend to piggyback on anyone else's trademark. And, I still don't believe we have done so in any way. There simply isn't a substantial similarity between our marks. We don't serve or market to the same customers. Combined Insurance offers supplemental insurance products sold to employers in the workplace marketing area. We sell individual health insurance for people who want to understand their options in the new Healthcare.gov environment.

Combined Insurance Company v. The Insurance Source Opposition No. 91227978

Evidence of Actual Confusion

In the response to Blank Rome's "demand letter," I asked Attorney Pecsénye for any evidence of any actual consumer confusion. He did not respond to that letter and instead filed his Notice of Opposition. We do not believe there is any actual consumer confusion whatsoever. When asked for evidence of actual consumer confusion in the quick response to his demand letter, Attorney Pecsénye could not and did not produce a single example of such confusion. Given that fact, we believe it would be fair to state that there is no actual consumer confusion.

Conclusion

"To allow a trademark protection for a generic term would grant the owner of the mark a monopoly, since a competitor could not describe his goods as what they are." ⁷

We do not find substantial similarity between our business and that of Combined Insurance Company. Nor do we find substantial similarity between our trademark of "We Make Health Insurance Easier" and their mark of "Let's Make This Easy."

One mark is specific, identifying and suggestive, while the other mark is vague and generic.

⁷ <http://rmfpc.com/doctrine-of-foreign-equivalents-and-foreign-language-marks-in-trademark-cases/>

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We sell qualified health insurance, they do not. We service different consumers in very different ways. We do not believe that any “reasonably prudent” consumer would have any consumer confusion whatsoever between the 2 companies. When asked for evidence of actual consumer confusion in the immediate response to the demand letter, Blank Rome could not and did not provide that evidence.

If there is little possibility that a “reasonably prudent” person would experience consumer confusion in trying to distinguish between our companies, then there is no grounds for opposition of our trademark under Section 2D of the Trademark Act.

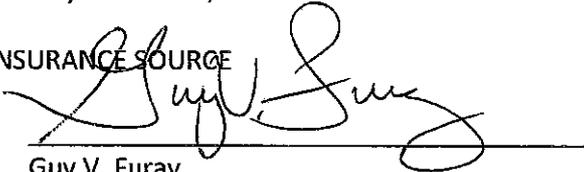
If no case can be made for a likelihood of consumer confusion, then the Combined Insurance Company objection to our mark is without merit.

WHEREFORE, Defendant prays that this Opposition be dismissed and that Application Serial No. 86/734, 955 be approved registration.

Respectfully submitted,

THE INSURANCE SOURCE

By:


Guy V. Furay

Date: June 13, 2016

The Insurance Source
114 Trade Street
Greer, SC 29651



Exhibit A-1
"Health Insurance Easier"

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 14 03:22:45 EDT 2016

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Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **4 Records(s) found (This page: 1 ~ 4)**

Refine Search Submit

Current Search: S5: (health insurance easier)[COMB] docs: 4 occ: 40

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86734955		WE MAKE HEALTH INSURANCE EASIER.	TSDR	LIVE
2	86607491		INSURE-U.COM WE MAKE HEALTH INSURANCE EA	TSDR	LIVE
3	86150349		INSURANCE SHOPPING MADE EASIER BECAUSE YOU HAVE BETTER THINGS TO DO WITH YOUR TIME LIFE HEALTH LTC	TSDR	DEAD
4	76110582	2485091	ABC MERIT CHOICE MAKING HEALTH INSURANCE EASIER	TSDR	DEAD

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Exhibit A-2
"We Make Health Insurance Easier"



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

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TESS was last updated on Tue Jun 14 03:22:45 EDT 2016

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Refine Search

Current Search: S6: (we make health insurance easier)[COMB] docs: 2 occ: 46

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86734955		WE MAKE HEALTH INSURANCE EASIER.	TSDR	LIVE
2	86607491		INSURE-U.COM WE MAKE HEALTH INSURANCE EA	TSDR	LIVE

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 (Use the "Back" button of the Internet Browser to return to TESS)



insure-u.com

We make health insurance easier.

Word Mark	INSURE-U.COM WE MAKE HEALTH INSURANCE EA
Goods and Services	IC 036. US 100 101 102. G & S: Online insurance brokerage specializing in health, life, disability, and dental insurance. FIRST USE: 20150401. FIRST USE IN COMMERCE: 20150401
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon
Serial Number	86607491
Filing Date	April 23, 2015
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	September 8, 2015
Owner	(APPLICANT) The Insurance Source CORPORATION SOUTH CAROLINA 114 Trade Street Greer SOUTH CAROLINA 29651
Attorney of Record	Ben Klosowski
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Exhibit C: Notice of Allowance

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, March 8, 2016 00:05 AM
To: docket@thrive-ip.com
Cc: ben.klosowski@thrive-ip.com ; mary.bryant@thrive-ip.com
Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86607491: INSURE-U.COM WE MAKE HEALTH INSURANCE EA etc. (Stylized/Design); Docket/Reference No. 1154.0002-SM

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Mar 8, 2016

Serial Number: 86607491
Mark: INSURE-U.COM WE MAKE HEALTH INSURANCE EA etc. (Stylized/Design)
Docket/Reference Number: 1154.0002-SM

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). **WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.**

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING: An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.**

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed.

Serial Number: 86607491
Mark: INSURE-U.COM WE MAKE HEALTH INSURANCE EA etc. (Stylized/Design)
Docket/Reference Number: 1154.0002-SM
Owner: The Insurance Source
114 Trade Street
Greer, SOUTH CAROLINA 29651
Correspondence Address: Ben Klosowski
Thrive IP
Suite 1201
5401 Netherby Road
North Charleston SC 29420

This application has the following bases, but not necessarily for all listed goods/services:
Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

036 - Online insurance brokerage specializing in health, life, disability, and dental insurance – FIRST USE DATE: NONE; – USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

Exhibit D: Acceptance of Statement of Use

From: TMOfficialNotices@USPTO.GOV
Sent: Friday, May 13, 2016 00:13 AM
To: docket@thrive-ip.com
Cc: ben.klosowski@thrive-ip.com ; mary.bryant@thrive-ip.com
Subject: Official USPTO Notice of Acceptance of SOU: U.S. Trademark SN 86607491: INSURE-U.COM WE MAKE HEALTH INSURANCE EA (Stylized/Design); Docket/Reference No. 1154.0002-SM

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

U.S. Serial Number: 86607491
Mark: INSURE-U.COM WE MAKE HEALTH INSURANCE EA (Stylized/Design)
Owner: The Insurance Source
Docket/Reference Number: 1154.0002-SM

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86607491&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86607491&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <http://www.uspto.gov/trademarks/> or contact the Trademark Assistance Center at 1-800-786-9199.

Exhibit E: Blank Rome "demand letter"



Phone: 215-569-5619
Fax: 215-832-5619
Email: pecsenye@blankrome.com

April 29, 2016

VIA FEDEX® AND EMAIL (docket@thrive-ip.com,
ben.klosowski@thrive-ip.com & mary.bryant@thrive-ip.com)

Ben Klosowski, Esq.
Thrive IP
5401 Netherby Road, Suite 1201
North Charleston, SC 29420

Re: The Insurance Source's Applications for WE MAKE HEALTH
INSURANCE EASIER

Dear Mr. Klosowski:

We are legal counsel and handle all intellectual property matters for Combined Insurance Company of America (hereinafter "Combined Insurance"), one of the country's leading providers of supplemental life, accident, disability, and health insurance services. On behalf of Combined Insurance, we write to inform The Insurance Source (hereinafter "TIS") that Combined Insurance objects to TIS's WE MAKE HEALTH INSURANCE EASIER slogan (the "Infringing Mark").

Combined Insurance is the exclusive owner of and has maintained priority rights in its LET'S MAKE THIS EASY® mark in connection with underwriting all forms of life, accident, and health insurance in the United States, including U.S. Registration Nos. 3,517,921 for LET'S MAKE THIS EASY and 3,573,647 for COMBINED INSURANCE. LET'S MAKE THIS EASY (hereinafter the "LET'S MAKE THIS EASY Marks"). As a result of Combined Insurance's extensive use of the LET'S MAKE THIS EASY Marks, the LET'S MAKE THIS EASY Marks have become well known to consumers and have acquired significant goodwill in connection with Combined Insurance's activities in the insurance field. As such, Combined Insurance cannot tolerate infringement of its

One Logan Square 18th & Cherry Streets Philadelphia, PA 19103

www.BlankRome.com

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125715.01721/102213020v.1

Ben Klosowski, Esq.
April 29, 2016
Page 2

valuable marks through use of the term "COMBINED" in connection with services offered by TIS.

The unauthorized use of our client's intellectual property is not well-received by Combined Insurance, as the use of the Infringing Mark violates Combined Insurance's rights in its LET'S MAKE THIS EASY Marks and is likely to cause confusion regarding the source of TIS's services. Such use constitutes clear trademark infringement in violation of Combined Insurance's rights. Combined Insurance will not tolerate any unauthorized or implied associations between the LET'S MAKE THIS EASY Marks and the Infringing Mark.

Combined Insurance regards your client's infringement of the LET'S MAKE THIS EASY Marks as a serious matter. Accordingly, as we consider the range of legal remedies available to safeguard Combined Insurance's valuable marks from infringement, we hereby make formal demand on behalf of Combined Insurance to:

1. Cease and desist immediately from any use or plans to use the Infringing Mark or any other mark, name, metatag, key search word, or domain name that is confusingly similar to or premised in whole or in part upon "LET'S MAKE THIS EASY";
2. Expressly abandon U.S. Serial Nos. 86/607,491 and 86/734,955, and any other application with the United States Patent and Trademark Office for any mark that is confusingly similar to or premised in whole or in part upon "LET'S MAKE THIS EASY"; and
3. Provide written assurances by no later than May 12, 2016, that you have complied with (1) and (2) above and will permanently refrain from all such use and future use.

Ben Klosowski, Esq.
April 29, 2016
Page 3

We look forward to receiving a compliant response by May 12, 2016, concerning this matter. If we do not receive the cooperation sought, however, we will consider such actions to be willful and malicious, and we will explore vigorously all legal avenues available to protect the LET'S MAKE THIS EASY[®] Marks.

Sincerely yours,



TIMOTHY D. PECSENYE

Exhibit F: Response to Demand Letter

Guy Furay

From: Guy Furay <guy@insure-u.com>
Sent: Tuesday, May 10, 2016 5:09 PM
To: pecsenye@blankrome.com
Cc: guy@insure-u.com; team@insure-u.com
Subject: Blank Rome correspondence

Dear Mr. Pecsenye:

Good afternoon!

I am in receipt of your correspondence letter of April 29, 2016.

Your letter states :

"Combined Insurance cannot tolerate infringement of its valuable marks through use of the term "COMBINED" in connection with services offered by TIS"

Nowhere do I use the term "Combined." If I used the offending term, I would gladly comply with your request. However, I have never once used the term "combined" in reference to any of my business activities.

Further, I do understand that your client has trademarked the term "Let's Make This Easy."

I am not using nor do I intend to use any variation of "Let's Make This Easy."

My application for trademark approval of my mark and tagline "We Make Health Insurance Easier." was "approved for use" by the USPTO. This means that I made application to the USPTO, who posted publicly a notice indicating my application, and provided a time period for any company to respond to the mark. This time period expired and having done an extensive search of trademarks currently in use specifically searching for any crossover, the USPTO "approved for use."

This, from my layperson's understanding of the law, means that the USPTO saw no infringement on the marks of your client or anyone else who holds a trademark.

My mark and my tagline are very specific. I do not see a substantial similarity between "Let's Make this Easy" and "We Make Health Insurance Easier."

My mark and my tagline indicate very clearly what we do (health insurance).

I am a very reasonable person.

Your letter indicates that my usage of "We Make Health Insurance Easier" "is likely to cause confusion regarding the source of TIS's services"

Would you please give me a specific example of how "Let's Make This Easy" and "We Make Health Insurance Easier" is confusing?

In addition, it may be important to note that Combined Insurance Company does not operate specifically in the Health Insurance field. It seems confusing to me as a non-attorney lay person how a company which does not even sell "health insurance" could possibly object to the usage of a "We Make Health Insurance Easier" tagline by an independent insurance agency who operates specifically in the Health Insurance field.

I would suggest that most reasonable people would feel the same.

I am open to discussing this matter with you and your client, but I do not see any infringement whatsoever on your client's mark of "Let's Make This Easy."

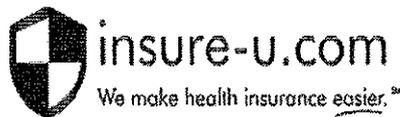
Neither, apparently, does the USPTO.

Please contact me directly with any follow up questions or concerns that you may have.

Thank you.

Sincerely,

Guy V. Furay, FLMI, GBA
National Producer (NPN) # 3743743
Phone: 864.467.8738
Fax: 864.458.9692
Email: guy@insure-u.com



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www.avast.com

Exhibit G: Combined Insurance Registration



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Combined Insurance. Let's Make This Easy

Word Mark	COMBINED INSURANCE. LET'S MAKE THIS EASY
Goods and Services	IC 036. US 100 101 102. G & S: Underwriting all forms of life, accident and health insurance. FIRST USE: 20071000. FIRST USE IN COMMERCE: 20071000
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number	77315917
Filing Date	October 29, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 1, 2008
Registration Number	3573647
Registration Date	February 10, 2009
Owner	

(REGISTRANT) Combined Insurance Company of America CORPORATION ILLINOIS 1000
Milwaukee Avenue Glenview ILLINOIS 60025

**Attorney of
Record**

Timothy D. Pecsénye

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSURANCE" APART FROM THE
MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

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Exhibit H: The insure-u.com trademark



insure-u.com
We make health insurance easier.SM



weve got you under our wing



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About 2,810,000 results (0.46 seconds)

Showing results for **we've** got you under our wing
Search instead for weve got you under our wing

Exhibit I:
We've got you under our
wing search = AFLAC

[PDF] AFLAC Product Overview Brochure

www.pasadena.edu/hr/.../AFLACProductOverviewBrochure.pdf Pasadena City College
We've got you under our wing. aflac.com/business | 1.800.99.AFLAC (1.800.992.3522). Worldwide
Headquarters | 1932 Wynnton Road | Columbus, Georgia ...

[PDF] Under Our Wing We've Got You - Aflac

<https://www.aflac.com/us/en/docs/investors/2009annualreport.pdf> Aflac
Feb 26, 2010 - whose outstretched wings signify what Aflac means when we say, "We've Got You
Under Our Wing." These wings provide protection, just as we ...

[PDF] We've got you under our wing.

https://www.onu.edu/files/onu_aflac_presentation.pdf Ohio Northern University
We've got you under our wing. Why Aflac Protection? MEDICAL. NON-MEDICAL. YOUR. MEDICAL.
PLAN PAYS. YOU PAY. HOSPITAL. DOCTOR. OUT OF ...

[PDF] We've got you under our wing."

<https://www.miracosta.edu/.../AFLACancerPlanasofJuly82013.pdf> MiraCosta College
cancer. You also know the toll it's taken on them physically, emotionally, and financially. That's why
we've developed the Aflac Cancer Care insurance policy.

[PDF] Group Hospital Indemnity

www.lake.k12.fl.us/.../Aflac%20Group%20Hospital%20I... Lake County School District
We've got you under our wing. aflacgroupinsurance.com 1.800.433.3036. The certificate to which
this sales material pertains is written only in English; the ...

"We've got you under our wing" insurance company - Answers with 5 ...

crosswordsonline.co/question/weve-got-you-under-our-wing-insurance-company.htm
Go to... Home, Questions, Answers, Suggest crossword puzzle. Search. Question: "We've got you
under our wing" insurance company. Answer: AFLAC. Length:

[PDF] Group Critical Illness Additional Benefits

www.apsu.edu/sites/...resources/Critical_Illness_extra.pdf Austin Peay State University
This benefit is paid based on your selected Critical Illness Benefit amount. ... COVERED.
LIMITATIONS AND EXCLUSIONS, AND TERMS YOU NEED TO KNOW.

Amazon.com : Rare Aflac "We've Got You Under Our Wing ...

www.amazon.com/Rare-Aflac-Weve-Under.../dp/B00CYS40TS Amazon.com, Inc.
Rare Aflac "We've Got You Under Our Wing" Management Rock Star. Sorry, this item is
not available in; Image not available; To view this video ...

[PDF] We've got you under our wing. - Denver Public Schools

hr.dpsk12.org/wp-content/uploads/2014/09/aflac-rates.pdf Denver Public Schools
Please Note: Premiums and benefits shown are accurate as of publication. They are subject to change.
AVV... y... ^ ^ I^ - j^ f^ -. We've got you under our wing.

We've got you under our wing insurance company, 5 letter, crossword

crosswordopener.com/word/83398/0/372988
We've got you under our wing insurance company. Else clues: • ____ Racing (insurance sponsored
NASCAR team). • Big name in insurance. • Big name in ...

1 2 3 4 5 6 7 8 9 10 Next



you're in good hands



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About 42,500,000 results (0.36 seconds)

Showing results for **you're** in good hands
Search instead for youre in good hands

Exhibit J: You're in good hands search = Allstate

In good hands - Idioms by The Free Dictionary

idioms.thefreedictionary.com/in+good+hands
Definition of in good hands in the Idioms Dictionary. in good hands phrase. What does in good hands expression mean? Definitions ... You can also log in with.

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7 days ago - in good hands definition, meaning, what is in good hands: managed or cared ... managed or cared for with great attention: You'll be in good hands with ... often in a bargain box We're trialling these fab wonky veg boxes as part ...

In good hands | Define In good hands at Dictionary.com

www.dictionary.com/browse/in-good-hands
In good hands definition at Dictionary.com, a free online dictionary with pronunciation, synonyms and translation. Look it up now!

Definition of "in good hands" | Collins English Dictionary

www.collinsdictionary.com/dictionary/english/in-good-hands
Harcourt, Palma A MATTER OF CONSCIENCE! leave you in good hands , better than we hoped when we hunted the orcs to Fangorn. J.R.R. Tolkien THE LORD ...

in good hands - Idioms 4 You

www.idioms4you.com/complete-idioms/in-good-hands.html
Idiom Definition - (to be) in good hands - to be in the safe, competent care of. ... 4) I'll do my best to make sure you know you're In good hands. You can take my ...

What Does "In Good Hands" Really Mean? - Huffington Post

www.huffingtonpost.com/.../what-does-in-good-hands-r_b_6948...
Apr 7, 2015 - Allstate's iconic slogan, "You're In Good Hands," is one of the most recognizable in America. It's in the advertising Hall of Fame and is ...

Relax You're In Good Hands | Hamza Yusuf - YouTube

https://www.youtube.com/watch?v=G32w2F79kK8
Mar 13, 2016 - Uploaded by iLovUAllah™
Relax you're in good hands, a beautiful reminder from brother Hamza Yusuf about facing troubles and ...

Railroad Crossing Commercial from Allstate - YouTube

https://www.youtube.com/watch?v=Ww8R1-FoO18
Nov 6, 2007 - Uploaded by ThatsAllStatesStand
... explains that Allstate thinks your car insurance deductible should shrink each year you drive safety ...

Good hands Synonyms, Good hands Antonyms | Thesaurus.com

www.thesaurus.com/browse/good%20hands
Synonyms for good hands at Thesaurus.com with free online thesaurus, antonyms, and definitions. Dictionary and Word of the Day.



lets make this easy

G

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About 19,600,000 results (0.47 seconds)

Showing results for **let's** make this easy
Search instead for lets make this easy

Exhibit K:
Let's Make This Easy
Search = ?

Lets Make Engineering Simple - YouTube

<https://www.youtube.com/user/premanand20081>

This channel presents interesting Science/Engineering concepts through practical applications in tamil language. Our mission is to provide a world-class Educ...

BPI - "Let's Make it Easy" - YouTube



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May 23, 2013 - Uploaded by Inquirer POP!

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628. Loading... Loading ...

BPI Lets make it easy - TVC - YouTube



<https://www.youtube.com/watch?v=s2NaSoZ84-Q>

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<http://www.evenflotriumph5.com/> the ones who believe that to live the life we want
does not depend in what we ...

Amazon.com: Let's Make It Easy Peezy: The Peezies: MP3 Downloads

<https://www.amazon.com/Lets-Make-Easy-Peezy.../B00N7SM88O> Amazon.com, Inc.

Buy Let's Make It Easy Peezy: Read 1 Digital Music Reviews - Amazon.com FREE DELIVERY possible on eligible purchases.

BPI Launches Let's Make It Easy Campaign - My BPI Magazine

https://www.mybpimag.com/index.php?option=com_content&view=article...

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www.sciencedirect.com/science/article/pii/S2214242815000157 ScienceDirect

by DJ Hills - 2015 - Related articles

Adopting standards for data and metadata collection is necessary for success of data rescue and preservation initiatives. Physical sample data and metadata ...

HTTP/2 is here, now let's make it easy - The dot Post

www.thedotpost.com/2015/12/rebecca-murphey-http2-is-here-now-lets-make-it-easy

Dec 7, 2015 - The HTTP/2 spec was finalized in 2015, and developers are hearing calls to start optimizing for the new protocol. Rebecca argues HTTP/2 isn't ...

LET'S MAKE IT EASY - making higher education

vetsback2college.com/veteran-resources/

LET'S MAKE IT EASY. You want to go back to college, not make a career of navigating through hundreds of "resource" websites. We can help. We've done the ...

Easy Mo Bee - Let's Make A Toast Lyrics | Genius Lyrics

genius.com > E > Easy Mo Bee

Lyrics and meaning of "Let's Make A Toast" by Easy Mo Bee on Genius. [Intro: Roc Marciano] / Yeah, wassup? / Roc Marc', whatup? / Filppnode y'all / Easy Mo, ...

"Math : Let's make it easy" - SlideShare

www.slideshare.net/boncruz2005/math-lets-make-it-easy

Oct 7, 2014 - A short presentation on learners and strategies of making math easy.

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