

ESTTA Tracking number: **ESTTA758988**

Filing date: **07/18/2016**

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

Notice of Opposition

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

Opposer Information

Name	Blue Cross and Blue Shield Association
Granted to Date of previous extension	07/17/2016
Address	225 North Michigan Avenue Chicago, IL 60601 UNITED STATES
Attorney information	John A. Cullis Reed Smith LLP 10 South Wacker Drive 40th Floor Chicago, IL 60606 UNITED STATES IPDocket-CHI@reedsmith.com, jcullis@reedsmith.com Phone:312-207-1000

Applicant Information

Application No	86393283	Publication date	01/19/2016
Opposition Filing Date	07/18/2016	Opposition Period Ends	07/17/2016
Applicant	Access Clinical Partners, LLC Suite 8 Menlo Park, CA 94025 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Urgent medical care centers

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	554488	Application Date	09/30/1947
Registration Date	02/05/1952	Foreign Priority Date	NONE
Word Mark	BLUE-CROSS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS

U.S. Registration No.	554817	Application Date	08/19/1947
Registration Date	02/12/1952	Foreign Priority Date	NONE

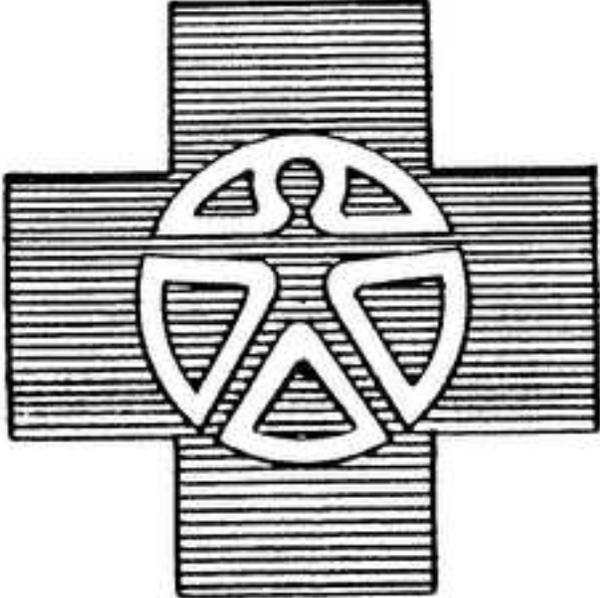
Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 DISTRIBUTION OF HOSPITAL CARE ON A PRE-PAYMENT FINANCING BASIS

U.S. Registration No.	969385	Application Date	12/05/1972
Registration Date	09/25/1973	Foreign Priority Date	NONE

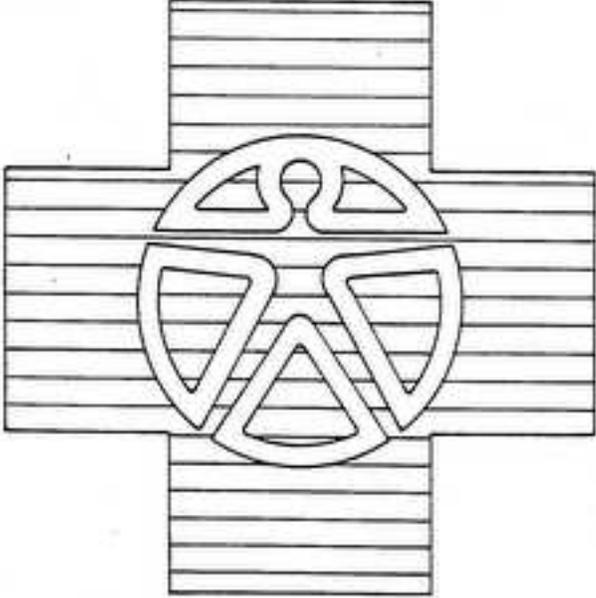
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1972/11/09 First Use In Commerce: 1972/11/09 PREPAID FINANCING OF HOSPITAL AND HEALTH CARE SERVICES

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

U.S. Registration No.	1055560	Application Date	04/05/1976
Registration Date	01/04/1977	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1972/11/09 First Use In Commerce: 1972/11/09 BOOKLETS DEALING WITH HEALTH CARE BENEFITS		

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

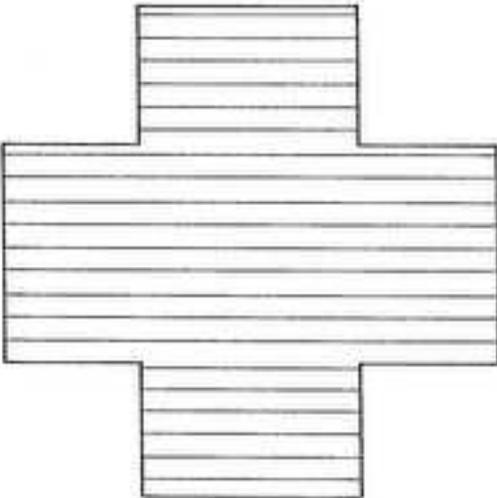
U.S. Registration No.	1425238	Application Date	08/29/1985
Registration Date	01/13/1987	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1973/12/00 First Use In Commerce: 1973/12/00 HOME HEALTHCARE SERVICES, PREVENTIVE HEALTHCARE SERVICES, HEALTH CARE SERVICES RENDERED THROUGH A HEALTH MAINTENANCE ORGANIZATION NAMELY PHYSICIAN SERVICES, DENTAL SERVICES, HOSPITAL SERVICES, HEALTH TREATMENT AND THERAPY SERVICES, DIAGNOSTIC TESTING AND EXAMINATION SERVICES, FAMILY PLANNING SERVICES, MENTAL HEALTH SERVICES, NURSING SERVICES AND PRESCRIPTION DRUG SERVICES, AND ARRANGING FOR AMBULANCE SERVICES		

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

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

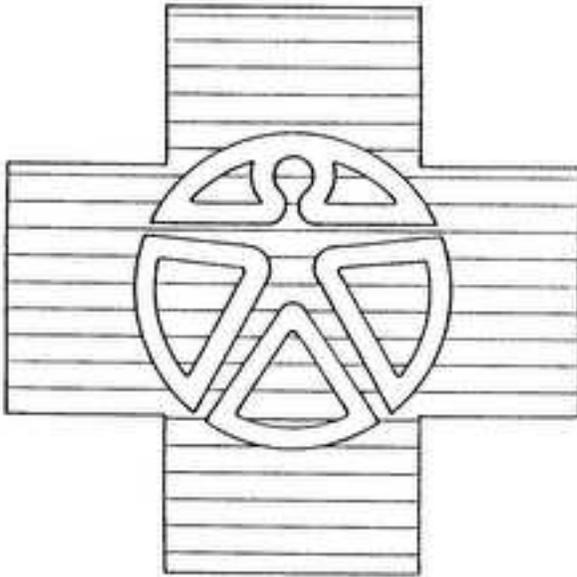
U.S. Registration No.	1691498	Application Date	05/24/1991
Registration Date	06/09/1992	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1934/12/00 First Use In Commerce: 1934/12/00 educational books, binders, trade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

U.S. Registration No.	1699627	Application Date	07/22/1991
Registration Date	07/07/1992	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 1988/06/28 First Use In Commerce: 1988/06/28 health care services rendered through ahealth maintenance organization; namely, physician services, dental services, hospital services, home health care services, preventative health care services, health care services, medical lab services, counselling services in the field offamily planning, mental health servicesand pharmacy services
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U.S. Registration No.	1763481	Application Date	04/24/1992
Registration Date	04/06/1993	Foreign Priority Date	NONE

Word Mark	NONE
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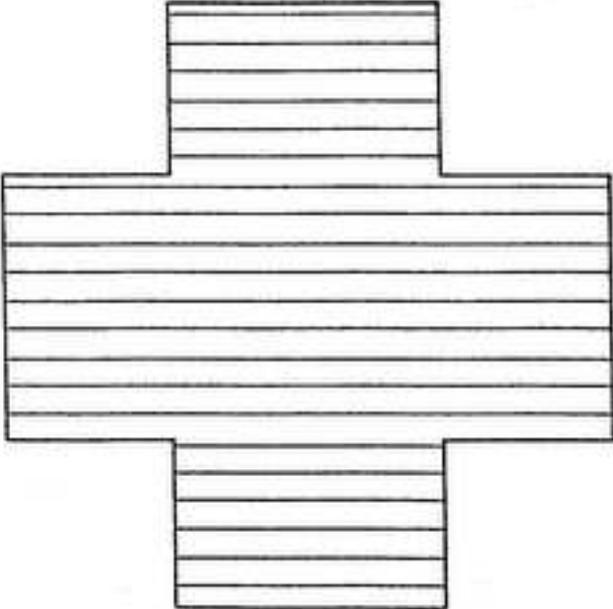
Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 042. First use: First Use: 1972/12/00 First Use In Commerce: 1972/12/00 association services; namely, promotingthe interest of providing quality, costef-fective health care
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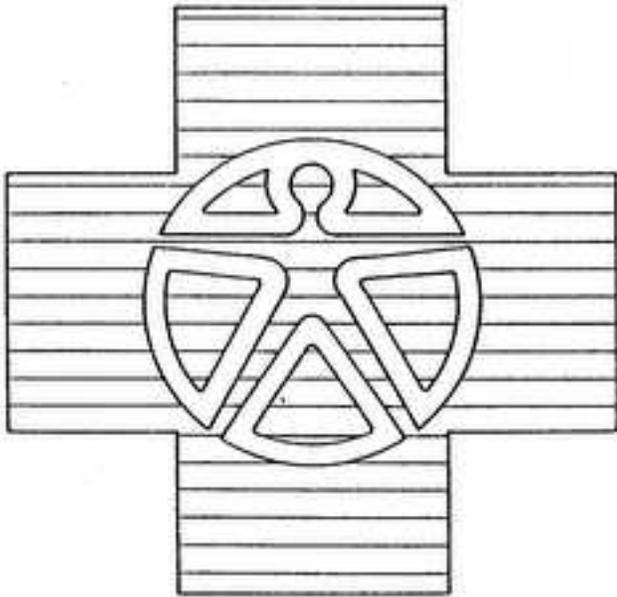
U.S. Registration No.	1826582	Application Date	04/16/1990
Registration Date	03/15/1994	Foreign Priority Date	NONE

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

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

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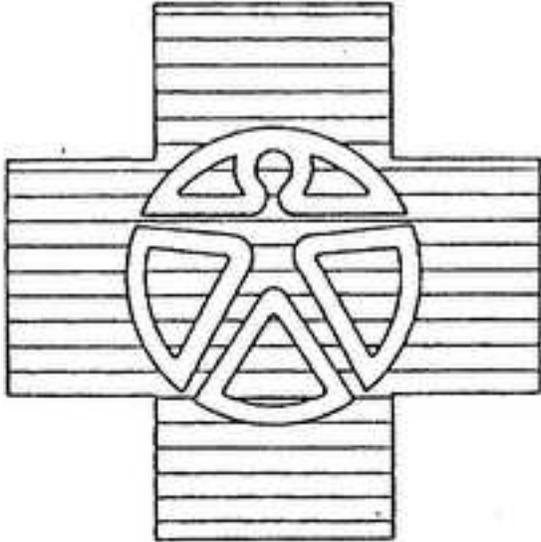
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 underwriting, financing, administration, and brokerage of life insurance

U.S. Registration No.	2027402	Application Date	01/21/1994
Registration Date	12/31/1996	Foreign Priority Date	NONE
Word Mark	BLUE CROSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 underwriting, financing, administration, and brokerage of life insurance		

U.S. Registration No.	2150555	Application Date	02/07/1997
Registration Date	04/14/1998	Foreign Priority Date	NONE
Word Mark	BLUE CROSS AND BLUE SHIELD ASSOCIATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 prepaid financing and administration of medical, hospital and related health care services Class 042. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 comprehensive health care benefit programs, rendered through a health maintenance organization, namely, physician, dental, hospital, home health care, prevent health treatment, therapy, pharmacy and ambulatory services		

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

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

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 insurance, namely, underwriting in the field of workers compensation with or without a managed care component

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

Word Mark	NONE
Design Mark	

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1988/08/01 First Use In Commerce: 1988/08/01 items of clothing and headgear, namely, t-shirts, shorts, sweatshirts, sweatpants, pullover tops, jackets, coats, socks, hats, caps and visors

U.S. Registration No.	3132578	Application Date	08/19/2005
Registration Date	08/22/2006	Foreign Priority Date	NONE

Word Mark	NONE
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Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1988/08/01 First Use In Commerce: 1988/08/01 pencils, pens, writing paper, envelopes, announcement cards, non-electric pencil sharpeners, drawing pads, paper identification tags, paper sheets, note pads, greeting cards, paperweights, stands for pencils and pens, calendars, diaries and stickers

U.S. Registration No.	3172396	Application Date	03/31/2005
Registration Date	11/14/2006	Foreign Priority Date	NONE

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

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

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

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

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

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

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

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

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

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

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

Attachments	71531753#TMSN.png(bytes) 72442919#TMSN.png(bytes) 72450146#TMSN.png(bytes) 73082826#TMSN.png(bytes) 73436072#TMSN.png(bytes) 73555889#TMSN.png(bytes) 74187033#TMSN.png(bytes) 74268723#TMSN.png(bytes) 74049148#TMSN.png(bytes) 74480773#TMSN.png(bytes) 75267697#TMSN.png(bytes) 78664911#TMSN.png(bytes) 78696581#TMSN.png(bytes) 78598844#TMSN.png(bytes) 78746183#TMSN.png(bytes)
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Certificate of Service

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

Signature	/John A. Cullis/
Name	John A. Cullis
Date	07/18/2016

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

In the Matter of Application Serial No. 86/393,283

Mark: GOHEALTH (& Design)

Filed: September 12, 2014

Published in the *Official Gazette*: January 19, 2016

BLUE CROSS AND BLUE SHIELD
ASSOCIATION,

Opposer,

v.

ACCESS CLINICAL PARTNERS, LLC

Applicant.

Mark: 

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer, Blue Cross and Blue Shield Association (“Opposer” or “Blue Cross”), a not-for-profit membership-based corporation organized and existing under the laws of the State of Illinois, doing business at 225 North Michigan Avenue, Chicago, IL 60601-7680, believes that it will be damaged by registration of the mark GOHEALTH (& Design) in International Class 44, as shown in Application Serial No. 86/393,283, (“Applicant’s Mark” or the “GOHEALTH (& Design) Mark”) filed by Applicant, Access Clinical Partners, LLC, a Delaware corporation (“Applicant”) having an address of 1149 Chestnut Street, Suite 8, Menlo Park, California 94025, and hereby opposes the same and requests that registration to Applicant be refused.

As its grounds for opposition, Opposer hereby alleges that:

1. On September 12, 2014, Applicant filed Application Serial No. 86/393,283 (“Application”) under Section 1(b) of the Lanham Act. The Application was published in the U.S. Patent & Trademark Office’s Official Gazette on January 19, 2016. The Application on its face seeks to cover the following services: “Urgent medical care centers,” in International Class 44. The Application is intent-to-use based, filed under 15 U.S.C. § 1051(b).

2. This Notice of Opposition is being timely submitted.

3. Opposer is a national association of 36 independent, community-based, and locally operated BLUE CROSS® and BLUE SHIELD® companies (“Member Plans”). Blue Cross represents the nation’s oldest and largest family of health benefits companies. For over 80 years, Blue Cross (including through its predecessors in interest and its Member Plans and licensees) has provided tens of millions of families with top-quality affordable health care plans. Blue Cross’ Member Plans currently provide health care plans for nearly 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 Columbia, and in Puerto Rico. More than 96% of hospitals and 92% of physicians in the United States contract with Blue Cross’ Member Plans - more than any other insurer. Blue Cross’ Member Plans currently have local and national presence in 75% of all Fortune 500 companies and 86% of all Fortune 100 companies.

4. The BLUE CROSS and BLUE SHIELD brands are among the most recognized in the health and health-related industries in the United States - and, indeed, in any industry. Blue Cross is the owner of the BLUE CROSS word and design marks, the BLUE SHIELD word and design marks, as well as other marks consisting of the image of a blue cross or the image of a blue shield (or both). It licenses the use of various such marks to its Member Plans and other licensees for the provision of a wide variety of goods and services, including, but not limited

to, health insurance, life insurance, dental insurance, vision insurance, disability insurance, long-term care insurance, workers' compensation insurance, health care delivery services, financial services, wellness services, health education, and other related goods and services. Blue Cross (including through its predecessors in interest and its Member Plans and licensees) has been using these trademarks and service marks since at least as early as 1934 (BLUE CROSS) and 1939 (BLUE SHIELD).

5. In the United States alone, Blue Cross currently owns over 200 valid and subsisting U.S. federal trademark and service mark registrations. Many of its U.S. federal registrations have become incontestable under Section 15 of the Lanham Act. Additionally, Blue Cross owns similar trademark and service mark registrations in more than 170 countries throughout the world. All of these (along with numerous trade names and common-law marks) form a "family" of BLUE trade names, trademarks, and service marks ("Blue Marks"). Under the Lanham Act, Blue Cross' incontestable U.S. federal registrations are conclusive evidence of Blue Cross' exclusive right to use or authorize the use of the Blue Marks in commerce.

6. Blue Cross (including through its Member Plans and licensees) has extensively used, advertised, and promoted the Blue Marks throughout the United States. For instance, in past years, annual gross revenue under the Blue Marks has exceeded \$360 billion. Blue Cross (including through its Member Plans and licensees) spends millions of dollars in advertising and promoting its marks, services, products, and image, thereby creating substantial goodwill in the marketplace. As a result, the general public recognizes the Blue Marks separately and collectively as identifying Blue Cross and its Member Plans and licensees - and the quality services they render. The Blue Marks are an asset of incalculable value to Blue Cross and it has vigorously and successfully protected its marks. Moreover, at least as far back as 1977,

federal district courts and other legal panels such as the World Intellectual Property Organization Uniform Dispute Resolution Policy Panel have expressly recognized the fame of the Blue Marks in the context of trademark disputes or litigation. In sum, the Blue Marks have long been famous; and the Blue Marks were famous long before Applicant's adoption of, use of, or Application to register Applicant's Mark.

7. Among Opposer's Blue Marks are a wide range of marks consisting entirely or substantially of either the words BLUE CROSS or an image of a blue cross (or both) (the "Blue Cross Marks"). Historically and through the present, these Blue Cross Marks span a variety of differently-configured crosses. Blue Cross (including through its predecessors in interest and its Member Plans and licensees) has used and does use the Blue Cross Marks in a wide range of blue colors, from light to dark and through a variety of hues and tones. The Blue Cross Marks have long been famous; and the Blue Cross Marks were famous long before Applicant's adoption of, alleged use of, or Application to register Applicant's Mark.

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

9. As further basis for this opposition, Blue Cross asserts its rights in the marks consisting of or including an image of a cross design as shown in any of Opposer's registrations referenced above or consisting of or including the words BLUE CROSS in connection with the following goods and services for which use has been or is at common law: a broad range of health, insurance, medical and related services, including, without limitation, health insurance services; health plan services; health care plan administration; health care

management and consulting services; claims administration; dental insurance services; workers' compensation services; disability insurance services; life insurance services; long term care insurance services; health care services; medical services; health care delivery through medical clinics, physicians, biometric and wellness screening services, wellness programs, and nurse advice hotlines; assessing health care service provider performance; providing centers-for-excellence programs in the field of health care; providing services for locating and connecting with health care providers and physicians; and providing information, conducting classes and seminars in the fields of health, fitness, diet/nutrition and lifestyle choices, and related educational services.

10. Despite Blue Cross' long-standing prior rights in its famous Blue Cross Marks, Applicant filed its Application on or about September 12, 2014 to register the GOHEALTH (& Design) Mark in International Class 44.

11. Applicant's use of the GOHEALTH (& Design) Mark in the United States is or will be directed at the same consumers that Opposer targets with its use of its famous Blue Cross Marks.

12. Upon information and belief, Applicant is using, and intends to continue using, the color blue in connection with the GOHEALTH (& Design) Mark, namely the arrow portion of cross element of the mark, as shown below.



(See also Pages from Applicant's website at the URL: <https://gohealthuc.com/>, attached hereto as **Exhibit B.**)

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

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

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

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

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

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

WHEREFORE, Opposer requests that this Opposition be sustained, and Application Serial No. 86/393,283 be refused registration.

The requisite filing fee of \$300.00 and any additional fees related to this matter are being charged to a MasterCard credit card concurrently with this filing.

Respectfully submitted,

BLUE CROSS AND BLUE SHIELD
ASSOCIATION

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

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

Date: July 18, 2016

CERTIFICATE OF SERVICE

I, John A. Cullis, state that I served a copy of the foregoing, **NOTICE OF OPPOSITION**, upon Correspondent for Application Serial No. 86/393,283 as listed with the USPTO:

Nicole K. McLaughlin
Duane Morris LLP
1075 Peachtree Street, Suite 2000
Atlanta, Georgia, 30309

via First Class Mail in accordance with Trademark Rules §§ 2.201 and 2.119 on July 18, 2016.

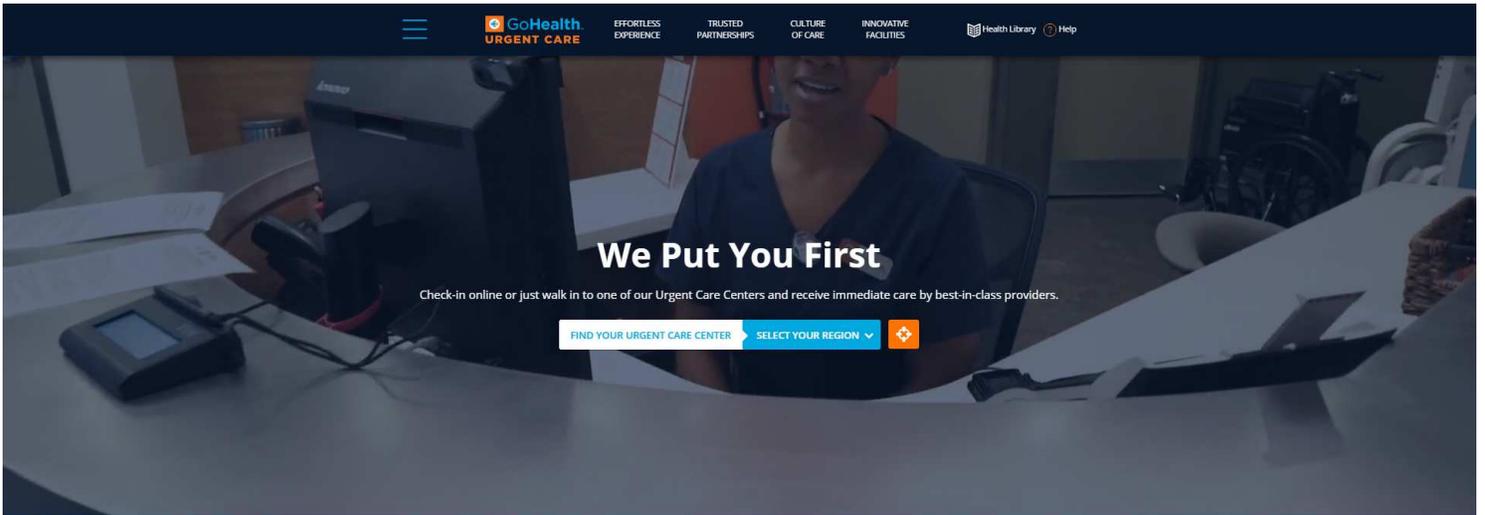
/John A. Cullis/
John A. Cullis

EXHIBIT A

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

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

EXHIBIT B



We Put You First

Check-in online or just walk in to one of our Urgent Care Centers and receive immediate care by best-in-class providers.

Effortless Experience

You won't just be treated. You'll be treated with care.



Trusted Partnerships

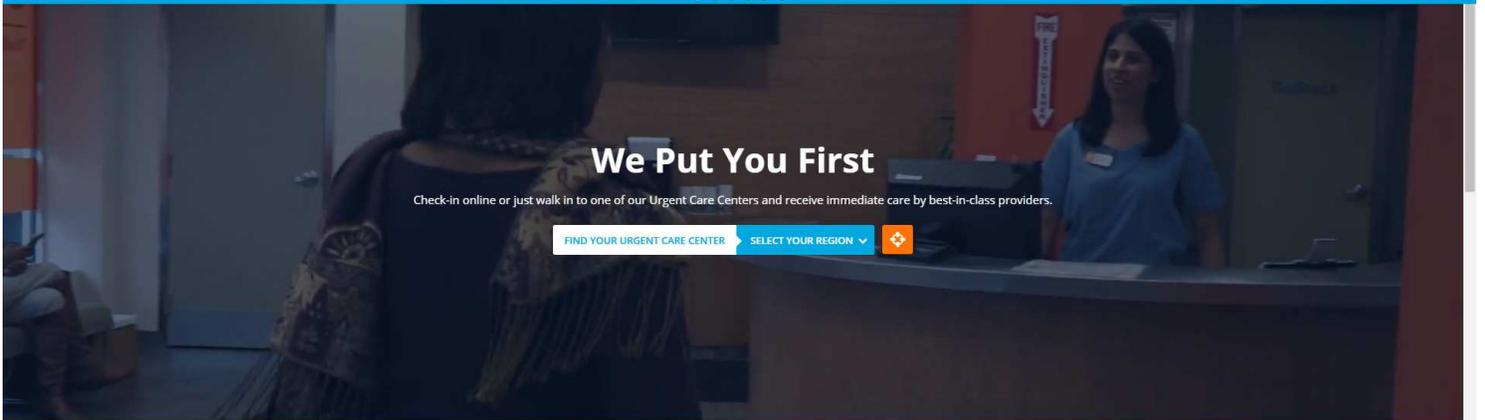
We partner with leading health systems that have the finest networks of physicians and clinicians.



Culture of Care

Highly skilled, caring providers go out of their way to make you their #1 priority.

< **"Connecting with our patients is the most important thing we can do."** >
-Andy Barnett, MD



We Put You First

Check-in online or just walk in to one of our Urgent Care Centers and receive immediate care by best-in-class providers.

Effortless Experience

You won't just be treated. You'll be treated with care.





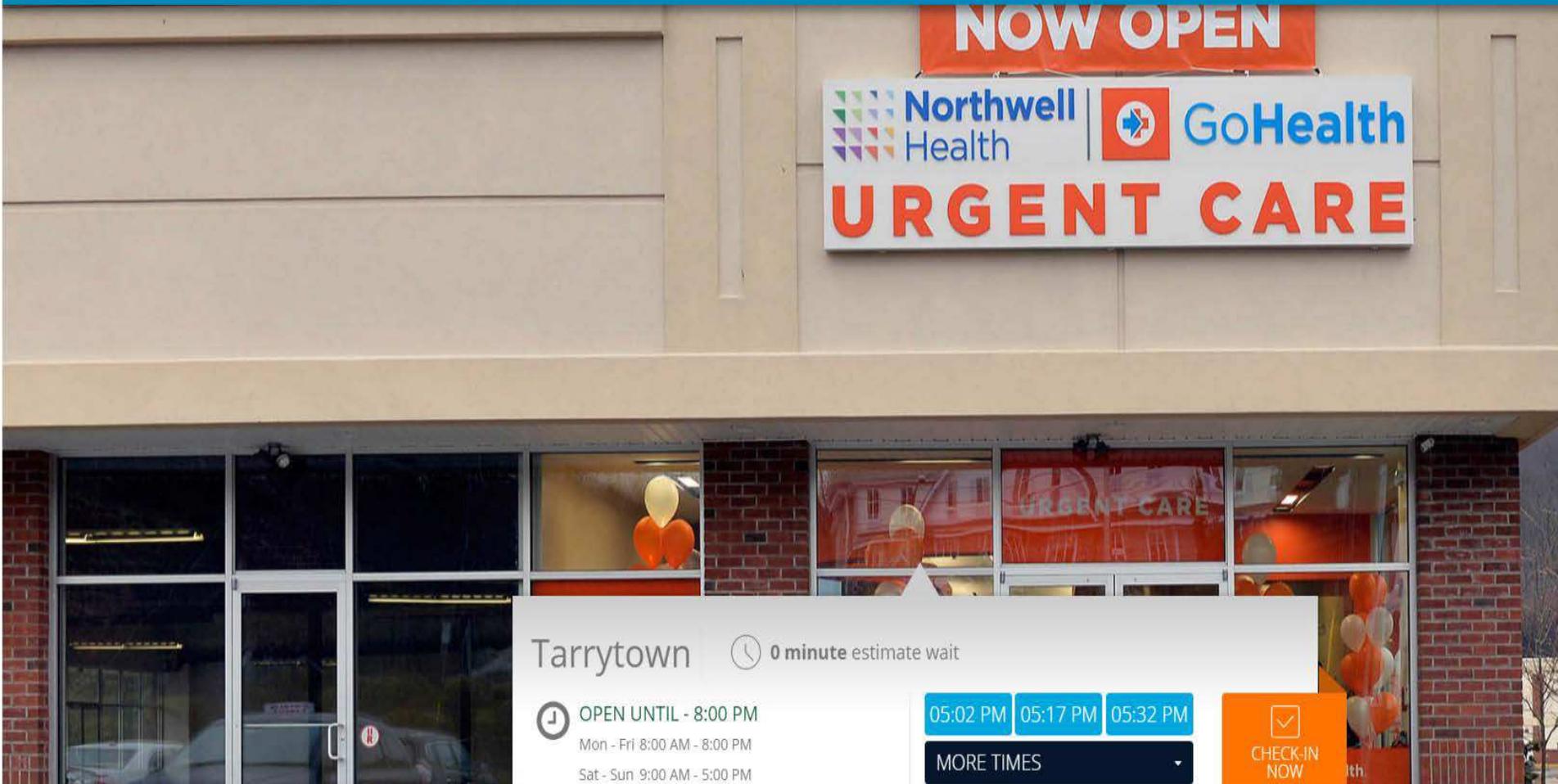
We Put You First

Check-in online or just walk in to one of our Urgent Care Centers and receive immediate care by best-in-class providers.

[FIND YOUR URGENT CARE CENTER](#)

[SELECT YOUR REGION](#) ▼





Tarrytown 🕒 0 minute estimate wait

🕒 **OPEN UNTIL - 8:00 PM**
Mon - Fri 8:00 AM - 8:00 PM
Sat - Sun 9:00 AM - 5:00 PM

05:02 PM 05:17 PM 05:32 PM
MORE TIMES

☑️ **CHECK-IN NOW**

📞 (914) 266-3102

📍 650 White Plains Rd, Tarrytown NY, 10591

🚶 Not Available

🚗 Not Available





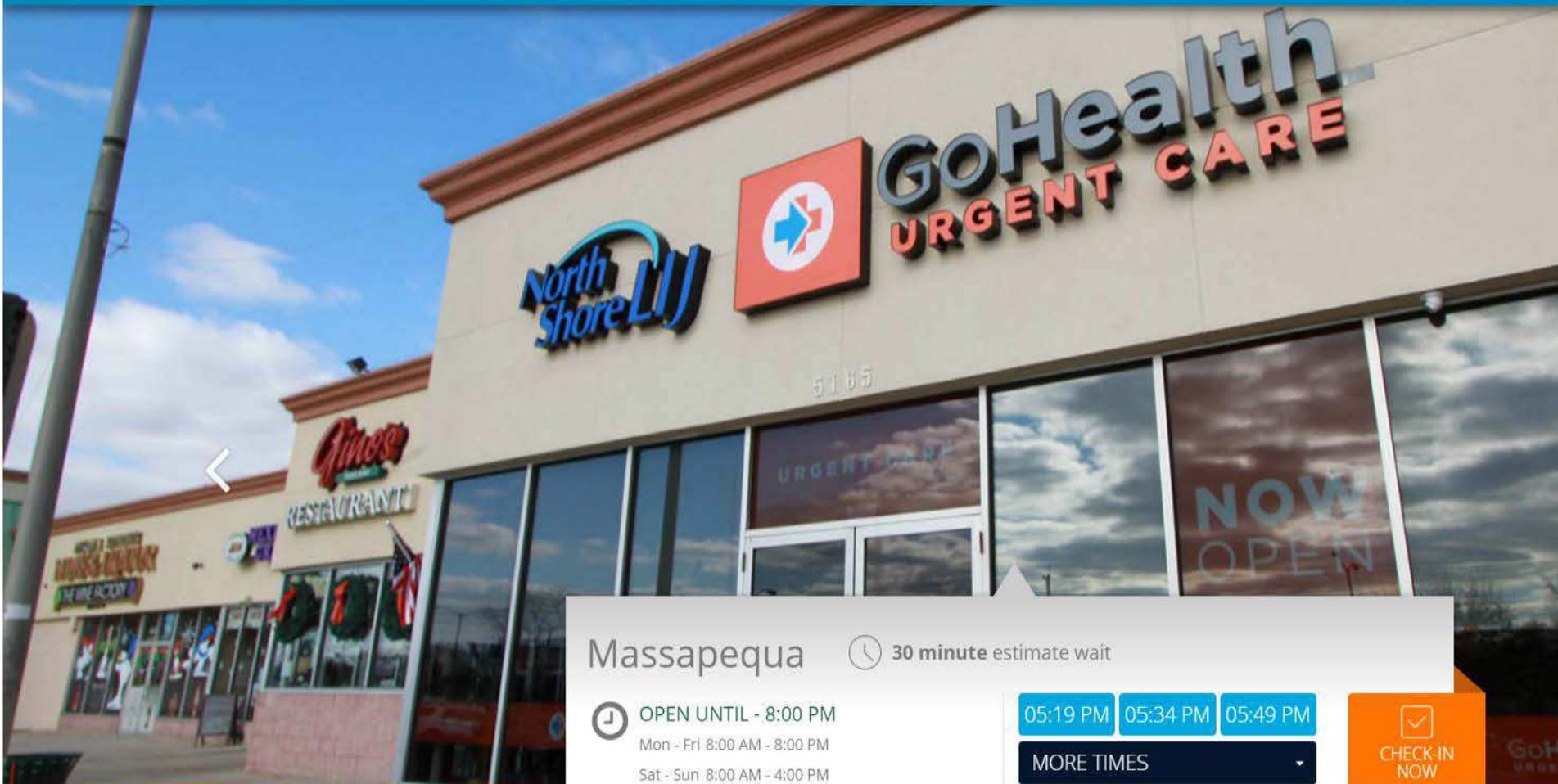
Urgent Care in Long Island

LOCATION

SERVICES

FROM OUR PROVIDERS

IN-NETWORK INSURANCE



Massapequa

30 minute estimate wait

OPEN UNTIL - 8:00 PM
Mon - Fri 8:00 AM - 8:00 PM
Sat - Sun 8:00 AM - 4:00 PM

05:19 PM 05:34 PM 05:49 PM

MORE TIMES

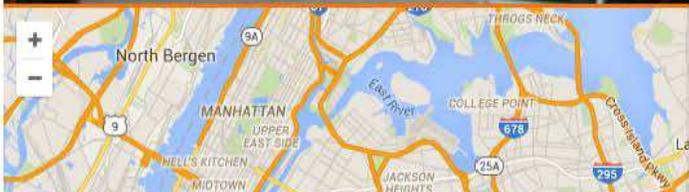
CHECK-IN NOW

(516) 858-3724

5165 Merrick Rd., Massapequa NY, 11762

Not Available

Not Available





Urgent Care in Oregon ▾

LOCATION

SERVICES

FROM OUR PROVIDERS

IN-NETWORK INSURANCE



GoHealth™
URGENT CARE

Progress Ridge

38 minute estimate wait

OPEN UNTIL - 7:00 PM
Mon - Fri 8:00 AM - 7:00 PM
Saturday 9:00 AM - 5:00 PM
Sunday Closed

(503) 747-0120

12325 SW Horizon Blvd #225,
Beaverton OR, 97007

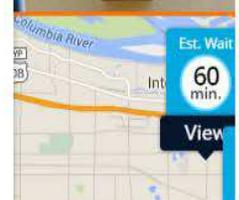
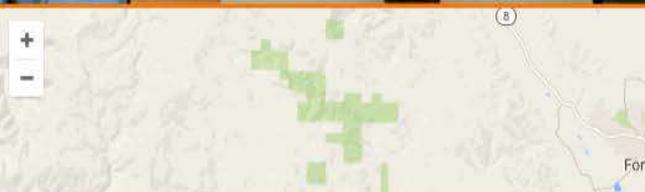
02:30 PM 02:45 PM 03:00 PM

MORE TIMES ▾

CHECK-IN NOW

Not Available

Not Available

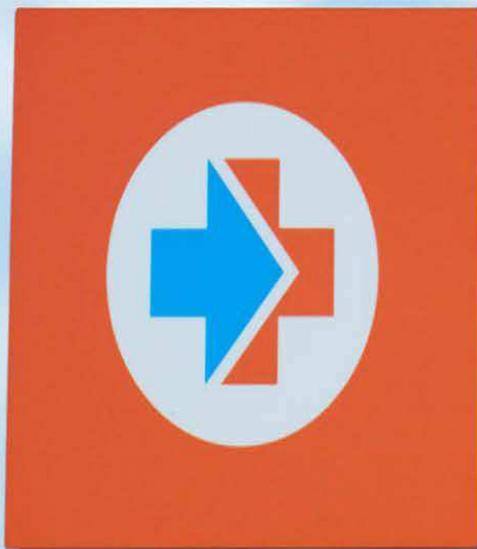




Portland/Vancouver, Oregon

Health Library ? Help

Urgent Care in Oregon ▾ LOCATION SERVICES FROM OUR PROVIDERS IN-NETWORK INSURANCE



GoHealth™

URGENT CARE™

Lake Oswego ⌚ 0 minute estimate wait

🕒 **OPEN UNTIL - 8:00 PM**
Mon - Fri 8:00 AM - 8:00 PM
Sat - Sun 9:00 AM - 5:00 PM

📞 (503) 676-3748

📍 3 Monroe Pkwy, Lake Oswego OR, 97035

🕒 02:39 PM 02:54 PM 03:09 PM
MORE TIMES ▾

📌 CHECK IN NOW

🚶 Not Available
🚗 Not Available



Fairview ⌚ 120 minute estimate wait

🕒 OPEN UNTIL - 9:00 PM
Mon - Sun 8:00 AM - 9:00 PM

📞 (503) 489-2024

📍 22262 NE Gilsan St., Gresham OR, 97030

🕒 04:26 PM 04:41 PM 04:56 PM
MORE TIMES ▾

🚶 Not Available
🚗 Not Available

CHECK IN NOW