

ESTTA Tracking number: **ESTTA525088**

Filing date: **03/06/2013**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	CFC Underwriting, Limited		
Entity	Corporation	Citizenship	United Kingdom
Address	85 Gracechurch Street London, EC3V 0AA UNITED KINGDOM		

Attorney information	Andy I. Corea St. Onge Steward Johnston & Reens LLC 986 Bedford Street Stamford, CT 06905 UNITED STATES acorea@ssjr.com, litigation@ssjr.com Phone:203-324-6155
----------------------	--

**Registration Subject to Cancellation**

Registration No	3513810	Registration date	10/07/2008
Registrant	Prospector Group, LLC Suite 204 136 Heber Avenue Park City, UT 84060 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 036. First Use: 2007/10/04 First Use In Commerce: 2007/10/04 All goods and services in the class are cancelled, namely: Insurance services, namely, underwriting, issuing and administration of employment recruiting liability insurance
--

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	Petition to Cancel.pdf ( 12 pages )(1924382 bytes )
-------------	---

**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	/Andy I. Corea/
Name	Andy I. Corea
Date	03/06/2013



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

IN THE MATTER OF  
U.S. Trademark Registration No.  
3,513,810 (EXECUSURE)

CFC UNDERWRITING, LIMITED.	:	
	:	
Petitioner,	:	
	:	Cancellation No.
v.	:	[not yet assigned]
	:	
Prospector Group, LLC.	:	
	:	
	:	
Registrant.	:	

---

**PETITION TO CANCEL**

CFC UNDERWRITING, LIMITED hereby petitions to cancel U.S. Trademark Registration No. 3,513,810 for the mark EXECUSURE on the following grounds:

1. Petitioner CFC UNDERWRITING, LIMITED is a corporation organized under the laws of the United Kingdom with an address at 85 Gracechurch Street, London EC3V 0AA, United Kingdom (“Petitioner”).

2. According to the records of the USPTO, the current owner of U.S. Registration No. 3,513,810 is Prospector Group, LLC, a limited liability company organized under the laws of the Utah, with an address at 136 Heber Avenue, Suite 204, Park City, Utah, 84060. A copy of the USPTO TESS database record for U.S. Registration No. 3,513,810 is attached as Exhibit A and made of record.

3. Petitioner is the owner of U.S. Trademark Application Serial Nos. 85/708,981 for the mark EXECSURANCE for use in connection with:

Insurance underwriting services relating to professional indemnity, directors and officer liability, crime insurance, cyber liability/insurance provided by electronic means, medical malpractice liability, employers liability, employment practice liability, fraud and computer crime, professional liability, trustees liability, pension trust liability, civil sanctions and regulatory proceedings liability, motor vehicle insurance, life insurance, buildings and contents insurance; financial risk management; insurance information and advisory services, namely, consulting in the field of insurance

(“Petitioner’s Application”) (An amendment to the services recited above is pending)

A copy of the USPTO TESS database record for Petitioner’s Application is attached as Exhibit B and made of record.

4. Petitioner’s Application has been refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), based on the Trademark Examining Attorney’s conclusion that the Petitioner’s trademark EXECSURANCE is likely to be confused with Registrant’s trademark EXECUSURE when used in connection with the parties’ recited services.

5. The records of the state of Utah indicate that Registrant’s status as an active entity expired as of October 6, 2009. A copy of the online record from the Utah government records database is attached as Exhibit C. More than three (3) years have passed since Registrant’s business registration expired.

6. On information and belief, Registrant has ceased use of the trademark EXECUSURE in connection with the services recited in U.S. Registration No. 3,513,810 and intends not to resume such use.

7. On information and belief, Registrant has not used the trademark EXECUSURE in connection with the services recited in U.S. Registration No. 3,513,810 for a period of at least three consecutive years.

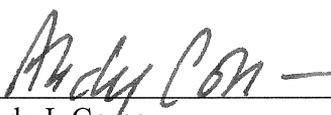
8. On information and belief, Registrant has abandoned the trademark EXECUSURE within the meaning of 15 U.S.C. § 1127.

9. Petitioner has been and continues to be damaged by the continued registration of U.S. Trademark Registration No. 3,513,810, including without limitation, by the citation of the registration as an obstacle to approval of Petitioner's Application.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board grant its petition and cancel U.S. Trademark Registration No. 3,513,810.

Respectfully submitted,

March 5, 2013

  
\_\_\_\_\_  
Andy I. Corea  
Stephen F. Ball

ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 Bedford Street  
Stamford, CT 06905  
Telephone: (203) 324-6155  
Facsimile: (203) 327-1096  
Email: [litigation@ssjr.com](mailto:litigation@ssjr.com)

ATTORNEYS FOR PETITIONER

## EXHIBIT A



United States Patent and Trademark Office

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

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Feb 26 05:02:46 EST 2013

**TESS HOME** **NEW USER** **STRUCTURED** **FREE FORM** **BROWSE DICT** **SEARCH OG** **BOTTOM** **HELP**

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

**Record 1 out of 1**

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

# EXECUSURE

<b>Word Mark</b>	EXECUSURE
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: Insurance services, namely, underwriting, issuing and administration of employment recruiting liability insurance. FIRST USE: 20071004. FIRST USE IN COMMERCE: 20071004
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	LETTER-3-OR-MORE EXECUSURE Combination of three or more letters as part of the mark
<b>Serial Number</b>	77289741
<b>Filing Date</b>	September 26, 2007
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 8, 2008
<b>Registration Number</b>	<b>3513810</b>
<b>Registration Date</b>	October 7, 2008
<b>Owner</b>	(REGISTRANT) Prospector Group, LLC LIMITED LIABILITY COMPANY UTAH Suite 204 136 Heber Avenue Park City UTAH 84060

**Attorney of Record** Peter K. Johnson  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

## **EXHIBIT B**



United States Patent and Trademark Office

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

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Feb 26 05:02:46 EST 2013

**TESS HOME** **NEW USER** **STRUCTURED** **FREE FORM** **BROWSE DICT** **SEARCH OG** **BOTTOM** **HELP**

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

### Record 1 out of 1

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

# EXECSURANCE

<b>Word Mark</b>	<b>EXECSURANCE</b>
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: Insurance services; reinsurance services; insurance broking; risk management; underwriting services; insurance services relating to professional indemnity, directors and officer liability, crime insurance, cyber liability/insurance provided by electronic means, medical malpractice liability, employers liability, employment practice liability, fraud and computer crime, professional liability, trustees liability, pension trust liability, civil sanctions and regulatory proceedings liability, motor vehicle insurance, life insurance, buildings and contents insurance; financial services; information and advisory services relating to the aforesaid
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85708981
<b>Filing Date</b>	August 21, 2012
<b>Current Basis</b>	44D
<b>Original Filing Basis</b>	44D
<b>Owner</b>	(APPLICANT) CFC Underwriting, Limited CORPORATION UNITED KINGDOM 85 Gracechurch Street London EC3V 0AA UNITED KINGDOM
<b>Attorney of Record</b>	Andy I. Corea
<b>Priority Date</b>	July 31, 2012
<b>Prior Registrations</b>	3675693;3687784;3918491
<b>Type of Mark</b>	SERVICE MARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

## EXHIBIT C

DIVISION OF CORPORATIONS AND COMMERCIAL CODE BUSINESS SEARCH

RELATED LINKS & RESOURCES

# PROSPECTOR GROUP, LLC

**Entity Number:** 2016341-0160  
**Company Type:** LLC - Domestic  
**Address:** 136 HEBER AVE STE 204 PO BOX 8000 PARK CITY, UT 84060  
**State of Origin:** UT  
**Registered Agent:** [BRADLEY J. ESTY](#)  
**Registered Agent Address:**  
136 HEBER AVE STE 204 PO BOX 8000  
Park City, UT 84060

[View Management Team](#)

**Status:** Expired

**Status:** Expired as of 10/06/2009  
**Status Description:** Failure to File Renewal  
**Employment Verification:** Not Registered with [Verify Utah](#)

[View Filed Documents](#)

## History

**Registration Date:** 06/12/1995  
**Last Renewed:** 09/08/2008

## Additional Information

**NAICS Code:** 5416 **NAICS Title:** 5416-Management, Scientific, and Technic

## Former Business Names

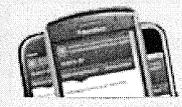
MANAGEMENT RECRUITERS OF PARK CITY, L.L.C.  
MANAGEMENT RECRUITERS OF PARK CITY LLC  
PROSPECTOR GROUP, LLC

[« Back to Search Results](#)

Search by:    [Search Hints](#)

Name:

## Get Business Info On Your Mobile



Visit this site with your mobile device

## Commerce Searches

- [Business Search](#)
- [Data Request](#)
- [Professional License](#)
- [Real Estate License](#)
- [Registered Principal](#)
- [Trademark](#)
- [Uniform Commercial Code](#)
- [Verify Utah](#)

## Department of Commerce

- [Department of Commerce Home](#)
- [Division of Corporations](#)
- [Contact Us](#)
- [Disclaimer](#)



**Send Us Your Feedback**  
We want to know what you think. [Click here](#) to share your feedback with Utah.gov!

**CERTIFICATE OF SERVICE**

This is to certify that on this date, a true copy of the foregoing **PETITION TO CANCEL** is being served, by first class mail, postage prepaid, to the owner of record of U.S. Registration No. 3,513,810 at the address for the party identified as "Current Owner" in the USPTO TSDR database:

Prospector Group, LLC  
136 Heber Avenue, Suite 204  
Park City, UTAH 84060

March 6, 2013  
Date:

  
\_\_\_\_\_  
John Burnett