

ESTTA Tracking number: **ESTTA355735**

Filing date: **06/30/2010**

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


Proceeding	91192704
Party	Plaintiff HUMANA INC.
Correspondence Address	Jeffrey S. Standley Standley Law Group LLP 6300 Riverside Drive Dublin, OH 43017 UNITED STATES trademarks@standleyllp.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Sarah Bansal
Filer's e-mail	sbansal@standleyllp.com
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Date	06/30/2010
Attachments	Notice of Reliance_1.pdf ( 11 pages )(62427 bytes )

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

HUMANA INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91192704
	)	
AETNA INC.	)	
	)	
Applicant.	)	

**OPPOSER HUMANA INC.’S NOTICE OF RELIANCE NO. 1 UNDER 37 CFR §2.122(d)**

Pursuant to 37 CFR §2.122(d), Opposer Humana Inc. (“Opposer”) submits of record in connection with this opposition proceeding the attached printouts from the United States Patent and Trademark Office’s Trademark Applications and Registrations Retrieval (“TARR”) showing the status and current title of the following U.S. Trademark Registrations:

Mark	Registration No.	Services	Registration Date
HUMANAONE	2,771,449	Underwriting insurance for prepaid health care; insurance underwriting in the field of health administration of pre-paid health care plans; organizing pre-paid health care plans	May 2002
	3,050,248	underwriting insurance for pre-paid health care; insurance underwriting in the field of health; administration of pre-paid health care plans; organizing pre-paid health care plans	May 31, 2002

The registrations are relevant to the likelihood of confusion analysis because they show, among other things, that Opposer Humana Inc. owns valid and subsisting prior registrations for the above-listed marks, which are confusingly similar to the AETNA ONE marks in the opposed

applications, and which cover services that are identical and closely related to the services identified in the opposed applications.

Copies of the TARR printouts for the above-listed registrations are attached as Exhibit 1.

Dated:

Respectfully submitted,

/s/ Jeffrey S. Standley  
Jeffrey S. Standley  
Cheryl S. Scotney  
STANDLEY LAW GROUP LLP  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing OPPOSERS NOTICE OF RELIANCE NO. 1 UNDER 37 CFR §2.122(d) was served this 30<sup>th</sup> day of June 2010 via email, upon the following:

Robert Jacobs-Meadway  
Eckert Seamans  
[rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)

/s/ Sarah Bansal \_\_\_\_\_  
Sarah Bansal

# **EXHIBIT 1**

**Thank you for your request. Here are the latest results from the [TARR web server](#).**

**This page was generated by the TARR system on 2010-06-04 10:28:31 ET**

**Serial Number:** [76475467 Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** [2771449](#)

**Mark (words only):** [HUMANAONE](#)

**Standard Character claim:** [No](#)

**Current Status:** [Section 8 and 15 affidavits have been accepted and acknowledged.](#)

**Date of Status:** [2009-05-22](#)

**Filing Date:** [2002-12-13](#)

**Transformed into a National Application:** [No](#)

**Registration Date:** [2003-10-07](#)

**Register:** [Principal](#)

**Law Office Assigned:** [LAW OFFICE 110](#)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** [830 -Post Registration](#)

**Date In Location:** [2009-05-22](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. [Humana, Inc.](#)**Address:**

[Humana, Inc.](#)  
[500 West Main Street](#)  
[Louisville, KY 40201](#)  
[United States](#)

**Legal Entity Type:** [Corporation](#)**State or Country of Incorporation:** [Delaware](#)

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**GOODS AND/OR SERVICES**

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**International Class:** [036](#)**Class Status:** [Active](#)

[UNDERWRITING INSURANCE FOR PRE-PAID HEALTH CARE; INSURANCE UNDERWRITING IN THE FIELD OF HEALTH ADMINISTRATION OF PRE-PAID HEALTH CARE PLANS; ORGANIZING PRE-PAID HEALTH CARE PLANS](#)

**Basis:** [1\(a\)](#)**First Use Date:** [2002-05-00](#)**First Use in Commerce Date:** [2002-05-00](#)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-05-22 - Section 8 \(6-year\) accepted & Section 15 acknowledged](#)

[2009-04-20 - Assigned To Paralegal](#)

2009-04-17 - TEAS Section 8 & 15 Received

2005-04-04 - Section 7 amendment issued

2004-11-08 - PAPER RECEIVED

2004-03-15 - TEAS Change Of Correspondence Received

2003-10-07 - Registered - Principal Register

2003-07-15 - Published for opposition

2003-06-25 - Notice of publication

2003-05-19 - Approved for Pub - Principal Register (Initial exam)

2003-05-02 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Amy B. Berge

**Correspondent**

Amy B. Berge

GREENEBAUM DOLL & MCDONALD PLLC

3500 National City Tower

101 South Fifth Street

LOUISVILLE KY 40202

Phone Number: 502/587-3707

Fax Number: 502/540-2268

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Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-06-04 10:29:30 ET

Serial Number: 78542670 [Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: 3050248

Mark



(words only): [HUMANA ONE](#)

Standard Character claim: No

Current Status: [Registered](#).

Date of Status: [2006-01-24](#)

Filing Date: [2005-01-05](#)

Transformed into a National Application: No

Registration Date: [2006-01-24](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at

[TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** [650 -Publication And Issue Section](#)

**Date In Location:** [2006-01-24](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. [Humana Inc.](#)

**Address:**

[Humana Inc.](#)  
[500 West Main Street](#)  
[Louisville, KY 40202](#)  
[United States](#)

**Legal Entity Type:** [Corporation](#)

**State or Country of Incorporation:** [Delaware](#)

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**GOODS AND/OR SERVICES**

---

**International Class:** [036](#)

**Class Status:** [Active](#)

[underwriting insurance for pre-paid health care; insurance underwriting in the field of health; administration of pre-paid health care plans; organizing pre-paid health care plans](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2002-05-31](#)

**First Use in Commerce Date:** [2002-05-31](#)

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**ADDITIONAL INFORMATION**

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**Description of Mark:** [The mark consists of the words HUMANA and ONE in different stylized fonts with a circular design element.](#)

**Design Search Code(s):**

[26.01.01](#) - [Circles as carriers or as single line borders](#)

**Prior Registration Number(s):**[1575512](#)[1576782](#)[2771449](#)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

[2006-01-24 - Registered - Principal Register](#)[2005-11-01 - Published for opposition](#)[2005-10-12 - Notice of publication](#)[2005-09-01 - Law Office Publication Review Completed](#)[2005-08-19 - Assigned To LIE](#)[2005-08-12 - Approved for Pub - Principal Register \(Initial exam\)](#)[2005-08-12 - Examiners amendment e-mailed](#)[2005-08-12 - Examiners Amendment -Written](#)[2005-08-05 - Assigned To Examiner](#)[2005-01-16 - New Application Entered In Tram](#)

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Matthew G. Owen

**Correspondent**

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