

ESTTA Tracking number: **ESTTA412842**

Filing date: **06/06/2011**

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	C.V. Starr & Co., Inc.
Granted to Date of previous extension	06/05/2011
Address	311 S. Division Street Carson City, NV 89703 UNITED STATES

Attorney information	Arlana S. Cohen Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES cla@cll.com, jkt@cll.com, asc@cll.com, trademark@cll.com Phone:212-790-9200
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**Applicant Information**

Application No	77936948	Publication date	12/07/2010
Opposition Filing Date	06/06/2011	Opposition Period Ends	06/05/2011
Applicant	United Services Automobile Association (USAA) Trademark Department 9800 Fredericksburg Rd. San Antonio, TX 78288 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 1993/04/01 First Use In Commerce: 1993/04/01 All goods and services in the class are opposed, namely: Insurance services, namely, underwriting extended warranty contracts in the field of automobile repair
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	1245641_1.pdf ( 4 pages )(13828 bytes ) 1245979_1.pdf ( 1 page )(72693 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	/Jill K. Tomlinson/
Name	Jill K. Tomlinson
Date	06/06/2011

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

In The Matter of Application Serial No. 77/936,948  
Filed February 16, 2010  
For Trademark STARS  
Published in the Official Gazette of December 7, 2010

-----X		
C.V. STARR & CO., INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
UNITED SERVICES AUTOMOBILE	)	
ASSOCIATION (USAA),	)	
	)	
Applicant.	)	
-----X		

**NOTICE OF OPPOSITION**

Opposer, C.V. Starr & Co., Inc., a Nevada corporation, having a business address at 311 South Division Street, Carson City, Nevada 89703 (“Opposer”), believes that it will be damaged by registration of the mark STARS shown in Application Serial No. 77/936,948 filed February 16, 2010 (the “Application”) for “Insurance services, namely, underwriting extended warranty contracts in the field of automobile repair” in International Class 36, and having been granted extensions of time to oppose up to and including June 5, 2011, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since long prior to April 1, 1993, Applicant’s claimed first use date, Opposer, itself and through its subsidiaries, has engaged throughout the United States in the business of insurance underwriting and agency services and services related thereto, under the mark STARR used either alone or in conjunction with other words and/or design elements (collectively, the "STARR Marks").

2. Opposer CVS owns U.S. federal registrations and applications for the STARR Marks in International Class 36, namely, Registration Nos. 1,570,227, 1,601,345, 2,877,409, 2,926,969, 3,205,663, 3,573,228, 3,581,100, 3,587,646, 3,587,775, 3,666,161, 3,694,246, 3,669,818, 3,710,604, 3,747,175, 3,752,654, 3,765,096, 3,779,587, 3,786,269, 3,806,194, 3,806,195, 3,871,115, 3,871,116 and 3,908,296 and Application Serial Nos. 77/654,590, 85/162,754, 85/210,080 and 85/210,085.

3. Since long prior to April 1, 1993, Applicant's claimed first use date, Opposer has extensively advertised and otherwise promoted its services offered in connection with the STARR Marks and has offered for sale and/or sold such services in interstate commerce.

4. As a result of the sales and promotion of its services offered in connection with the STARR Marks, Opposer has built up highly valuable goodwill in the STARR Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On or about February 16, 2010, United Services Automobile Association (USAA) ("Applicant") filed the Application to register the standard character word mark STARS (the "STARS Mark") on the Principal Register for "Insurance services, namely, underwriting extended warranty contracts in the field of automobile repair" in International Class 36 claiming a first use date of April 1, 1993.

6. Upon information and belief, Applicant did not use the STARS Mark in commerce in connection with its applied-for services in International Class 36 prior to its claimed first use date of April 1, 1993.

7. Upon information and belief, the services for which Applicant seeks to register the STARS Mark are closely related and/or identical to the services in connection with which Opposer has used its STARR Marks.

8. Applicant's STARS Mark so resembles Opposer's STARR Marks as to be likely, when applied to Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services sold or offered for sale in connection with the STARS Mark have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a registration for the STARS Mark.

WHEREFORE, Opposer prays that registration of the mark of application Serial No. 77/936,948 be refused and that this opposition be sustained.

Please recognize as attorneys for Opposer in this proceeding Arlana S. Cohen, Carissa L. Alden and Jill K. Tomlinson (members of the bar of the State of New York) and the firm of Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Arlana S. Cohen, Esq. at the address listed below.

Dated: New York, New York  
June 6, 2011

Respectfully submitted,  
COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By:           /Jill K. Tomlinson/            
Arlana S. Cohen  
Carissa L. Alden  
Jill K. Tomlinson  
1133 Avenue of the Americas  
New York, NY 10036-6799  
(212) 790-9200

## **CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the foregoing Notice of Opposition to be sent via first class, postage paid mail to Applicant, which is also Applicant's correspondent of record, United Services Automobile Association (USAA), Attn: Jordan A. Newmark, Esq., 9800 Fredericksburg Road, San Antonio, TX 78288-0001 on June 6, 2011.

/Jill K. Tomlinson/  
Jill K. Tomlinson



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(212) 790-9251  
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June 6, 2011

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: C.V. Starr & Co., Inc.  
Notice of Opposition Against  
United States Automobile Association (USAA)  
Application to register STARS  
Ref. No. 28908.001

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/936,948 published in the Official Gazette on December 7, 2010. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Arlana S. Cohen of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Jill K. Tomlinson/  
Jill K. Tomlinson

Enclosures

cc: Arlana S. Cohen, Esq. (w/encs.)  
Sidelle Illion (w/encs.)