

ESTTA Tracking number: **ESTTA642771**

Filing date: **12/05/2014**

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	MEEMIC Insurance Company
Granted to Date of previous extension	12/10/2014
Address	1685 North Opdyke Road Auburn Hills, MI 48326 UNITED STATES

Attorney information	Jeremy D. Bisdorf Jaffe, Raitt, Heuer & Weiss, P.C. 535 W. William St., Suite 400S Ann Arbor, MI 48103 UNITED STATES trademark@jaffelaw.com, jbisdorf@jaffelaw.com Phone:(734) 222-4776
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Applicant Information

Application No	86269852	Publication date	08/12/2014
Opposition Filing Date	12/05/2014	Opposition Period Ends	12/10/2014
Applicant	Hartford Fire Insurance Company One Hartford Plaza Hartford, CT 06155 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Insurance services, namely, professional liability insurance underwriting and administration services
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2950027	Application Date	05/20/2003
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	THE EDUCATED CHOICE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 036. First use: First Use: 2002/07/01 First Use In Commerce: 2002/07/01 UNDERWRITING AND BROKERAGE FOR PROPERTY AND CASUALTY INSURANCE

U.S. Registration No.	3322613	Application Date	12/18/2006
Registration Date	10/30/2007	Foreign Priority Date	NONE

Word Mark	THE EDUCATED CHOICE INSURANCE AGENCY
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Design Mark	
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Description of Mark	The mark consists of the literal element of the mark below an apple tree design.
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Goods/Services	Class 036. First use: First Use: 2006/05/01 First Use In Commerce: 2006/05/01 Insurance agency and brokerage; Insurance carrier services; Providing information in insurance matters
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Attachments	77066105#TMSN.png(bytes) Hartford_Notice_of_Opposition.pdf(245769 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/jdb/
Name	Jeremy D. Bisdorf
Date	12/05/2014

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

In the Matter of Application Serial No. **86/269,852**
For the Mark: **EDUCATORS PROFESSIONAL CHOICE**

Published in the Official Gazette on August 12, 2014 in IC 036

MEEMIC INSURANCE COMPANY,)	
a Michigan corporation)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
HARTFORD FIRE INSURANCE COMPANY,)	
a Connecticut corporation)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Meemic Insurance Company, a Michigan corporation (“Opposer”), believes it will be damaged by registration of the mark shown in Application Serial No. 86/269,852 in International Class 036 (the “Application”) and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer has been using the mark THE EDUCATED CHOICE in commerce that may be regulated by United States Congress continuously since at least as early as July 1, 2002.
2. Opposer is the current owner of United States Trademark Registration No. 2,950,027 for the mark THE EDUCATED CHOICE (the “’027 Registration”) in association with “underwriting and brokerage for property and casualty insurance” in International Class 036. A copy of the certificate of registration for the ‘027 Registration is attached as Exhibit A.
3. The ‘027 Registration was issued on May 10, 2005.

4. Under Section 15 of the Trademark Act, the '027 Registration is now incontestable. Proof of acknowledgement by the United States Patent and Trademark Office (the "Office") of the declaration of incontestability for the '027 Registration is attached as Exhibit B.

5. Opposer has been using the following mark in commerce that may be regulated by United States Congress continuously since at least as early as May 1, 2006:



6. Opposer is the current owner of United States Trademark Registration No. 3,322,613 for the mark identified in paragraph 5 above (the "'613 Registration") in association with "Insurance agency and brokerage; Insurance carrier services; Providing information in insurance matters" in International Class 036. A copy of the certificate of registration for the '613 Registration is attached as Exhibit C.

7. The '613 Registration was issued on October 30, 2007.

8. Under Section 15 of the Trademark Act, the '613 Registration is now incontestable. Proof of acknowledgement by the Office of the declaration of incontestability for the '613 Registration is attached as Exhibit D.

9. Applicant filed the Application on May 2, 2014 based on its intent to use the mark EDUCATORS PROFESSIONAL CHOICE in commerce that may be regulated by United States Congress in association with "Insurance services, namely, professional liability insurance underwriting and administration services."

10. The services with which Opposer uses the marks protected by the '027 Registration and the '613 Registration are similar in nature to the services for which Applicant seeks to register the mark EDUCATORS PROFESSIONAL CHOICE.

11. Applicant's mark EDUCATORS PROFESSIONAL CHOICE is confusingly similar to Opposer's marks as protected by the '027 Registration and '613 Registration.

12. The use of the mark EDUCATORS PROFESSIONAL CHOICE by Applicant is likely to cause confusion or mistake in the minds of purchasers and lead purchasers and prospective purchasers to believe that Applicant's services as designated are the services of Opposer, or in some way backed by, sponsored by, approved by, associated with or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the purchasing public, and to the irreparable damage and injury of Opposer and its goodwill in its registered trademarks associated with the '027 Registration and '613 Registration.

13. Opposer will be injured and damaged by the granting to Applicant of a registration for the mark EDUCATORS PROFESSIONAL CHOICE because such mark, when used in connection with the services of Applicant, is likely to:

- (a) cause confusion or to cause mistake or to deceive as to some association between Applicant and Opposer and/or the services provided by each;
- (b) falsely suggest a connection or association with Opposer and/or its services;
- (c) damage Opposer's valuable goodwill in its registered trademarks;
- (d) threaten Opposer's rights to expand the scope of use of its registered trademarks to related, analogous or equivalent services; and
- (e) result in injury to Opposer's established rights in and to its mark.

NOW, THEREFORE, Opposer requests that Application Serial No. 86/269,852 be refused and that this Opposition be sustained.

Respectfully submitted,

MEEMIC INSURANCE COMPANY,
a Michigan corporation

By: /jdb/
Jeremy D. Bisdorf
Counsel for Opposer

Date: December 5, 2014

JAFFE, RAITT, HEUER & WEISS, P.C.
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Ann Arbor, Michigan 48103
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Fax: (734) 222-4769
jbisdorf@jaffelaw.com, trademark@jaffelaw.com

Exhibit A

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,950,027

Registered May 10, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

THE EDUCATED CHOICE

MEEMIC INSURANCE COMPANY (MICHIGAN
CORPORATION)
SUITE 100
691 N. SQUIRREL ROAD
AUBURN HILLS, MI 48326

FIRST USE 7-1-2002; IN COMMERCE 7-1-2002.

SN 78-252,083, FILED 5-20-2003.

FOR: UNDERWRITING AND BROKERAGE FOR
PROPERTY AND CASUALTY INSURANCE, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

ESTHER A. BORSUK, EXAMINING ATTORNEY

Exhibit B

Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION**
MAILING DATE: May 26, 2011

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2950027
MARK: THE EDUCATED CHOICE
OWNER: MEEMIC Insurance Company

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S. POSTAGE
PAID

Jeremy D. Bisdorf
Jaffe, Raitt, Heuer & Weiss, P.C.
201 S. Main St., Suite 300
Ann Arbor, MI 48104

Exhibit C

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,322,613

Registered Oct. 30, 2007

SERVICE MARK
PRINCIPAL REGISTER



The Educated Choice
INSURANCE AGENCY

MEEMIC INSURANCE COMPANY (MICHIGAN CORPORATION)
1685 N. OPDYKE ROAD
AUBURN HILLS, MI 48326

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

FOR: INSURANCE AGENCY AND BROKERAGE; INSURANCE CARRIER SERVICES; PROVIDING INFORMATION IN INSURANCE MATTERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

THE MARK CONSISTS OF THE LITERAL ELEMENT OF THE MARK BELOW AN APPLE TREE DESIGN.

FIRST USE 5-1-2006; IN COMMERCE 5-1-2006.

SER. NO. 77-066,105, FILED 12-18-2006.

OWNER OF U.S. REG. NOS. 2,834,383 AND 2,950,027.

STEVEN PEREZ, EXAMINING ATTORNEY

Exhibit D

From: TMOffice@notices@USPTO.GOV
Sent: Tuesday, November 5, 2013 11:00 PM
To: trademark@jaffelaw.com
Subject: Trademark RN 3322613: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

Serial Number: 77066105
Registration Number: 3322613
Registration Date: Oct 30, 2007
Mark: THE EDUCATED CHOICE INSURANCE AGENCY(STYLIZED/DESIGN)
Owner: MEEMIC Insurance Company

Nov 5, 2013

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The Section 8 declaration is accepted.

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1059. The Section 15 declaration is acknowledged.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
036

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

To view this notice and other documents for this application on-line, go to <http://tshr.uspto.gov/search.action?sn=77066105>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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v.)	Opposition No.:
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HARTFORD FIRE INSURANCE COMPANY,)	
a Connecticut corporation)	
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Applicant.)	
)	

CERTIFICATE OF SERVICE

I, Jeremy D. Bisdorf, do hereby certify that on December 5, 2014, a true and complete copy of the **NOTICE TO OPPOSITION** and this **CERTIFICATE OF SERVICE** has been served upon the following attorney of record for the above mentioned trademark application by means of United States Express Mail – Post Office to Addressee:

David T. Cunningham
The Hartford Financial Services Group, Inc.
1 Hartford Plz.
Hartford, Connecticut 06155-0001

/jdb/
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