

ESTTA Tracking number: **ESTTA988710**

Filing date: **07/18/2019**

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	Ever Onward Inc.		
Entity	Corporation	Citizenship	Colorado
Address	1153 Bergen Parkway Suite I, #123 Evergreen, CO 80439 UNITED STATES		
Attorney information	Marcy L. Sperry, Esq. Sperry IP Law LLC dba Vivid IP 3550 Lenox Rd NE 21st Floor Atlanta, GA 30326 UNITED STATES docketing@vividip.com, john@vividip.com, marcy@vividip.com 4044741600		

**Applicant Information**

Application No	88070094	Publication date	06/18/2019
Opposition Filing Date	07/18/2019	Opposition Period Ends	07/18/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	Hiscox Connect Limited 1 Great St Helens London, EC3A6HX UNITED KINGDOM		

**Goods/Services Affected by Opposition**


Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Education services, namely, providing of training in the field of insurance; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance; entertainment services, namely, organizing sporting and cultural activities; book publishing services; online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; consultancy, advisory and information services relating to any of the aforesaid services

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	88110524	Application Date	09/10/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EVER ONWARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2017/12/13 First Use In Commerce: 2017/12/13 Educational and entertainment services, namely, conducting and hosting conferences, classes, training seminars, public speaking engagements, and live training events and webcasts in the field of leadership development; educational services, namely, providing webcasts and online learning modules in the nature of workshops in the field of leadership development; educational consulting services in the field of leadership development education and training		

Attachments	88110524#TMSN.png( bytes ) To File - Notice of Opposition - EVER ONWARDS - App. No. 88070094.pdf(5849205 bytes )
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Signature	/Marcy L. Sperry/
Name	Marcy L. Sperry
Date	07/18/2019

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

**EVER ONWARD INC.,**

*Opposer,*

v.

**HISCOX CONNECT LTD.,**

*Applicant.*

Mark: EVER ONWARDS

U.S. Application No. 88/070,094

**NOTICE OF OPPOSITION**

Opposer, Ever Onward Inc. (“Opposer”), a Colorado corporation with its principal place of business at 1153 Bergen Parkway, Suite I, #123, Evergreen, Colorado 80439, believes that it will be damaged by registration of the mark EVER ONWARDS, which is the subject of U.S. Trademark Application No. 88/070,094 (the “Application”) filed by Hiscox Connect Ltd. (“Applicant”), and therefore opposes this application based on the following grounds:

1. Rorke Denver, the founder of Opposer’s company, is an American actor, author, and former United States Navy SEALs commander. Mr. Denver launched the EVER ONWARD brand to call upon his leadership and military experience. In particular, Opposer’s EVER ONWARD mark signifies Navy SEAL principles designed to empower and teach leaders to perform at optimal levels.

2. Since at least as early as 2017, Opposer has been offering unique educative experiences, products, and services under the EVER ONWARD mark to help teams and individuals live and perform at higher levels.

3. Opposer is the owner of U.S Trademark Application No. 88/110,524 (“Opposer’s Application”) for the mark EVER ONWARD (the “EVER ONWARD Mark”), which covers the following services in Class 41: “Educational and entertainment services, namely, conducting and hosting conferences, classes, training seminars, public speaking engagements, and live training events and webcasts in the field of leadership development; educational services, namely, providing webcasts and online learning modules in the nature of workshops in the field of leadership development; educational consulting services in the field of leadership development education and training” (“Opposer’s Services”). A true and accurate copy of Opposer’s Application is attached as **Exhibit A**.

4. Opposer’s EVER ONWARD Mark is strong and distinctive.

5. Opposer has established rights in and to the EVER ONWARD Mark through its continuous and substantially exclusive use of the EVER ONWARD Mark in interstate commerce since at least as early as 2017 in connection with the Opposer’s Services. Consumers readily recognize the EVER ONWARD Mark as a source identifier for Opposer’s Services.

6. Opposer has been providing Opposer’s Services in interstate commerce in the U.S. since at least as early as December 13, 2017 (the “Priority Date”).

7. Through Opposer’s widespread and continuous use of the EVER ONWARD Mark in connection with the Opposer’s Services, the EVER ONWARD Mark has acquired a strong reputation and tremendous goodwill.

8. The EVER ONWARD Mark has been featured on numerous podcasts, articles, and live events. Also, the EVER ONWARD Mark has received considerable media attention. *See* examples of media focusing on the EVER ONWARD Mark and Opposer’s Services attached as **Exhibit B**.

9. Applicant is a private limited company organized in the United Kingdom with its principal place of business located at 1 Great St Helens London UNITED KINGDOM EC3A6HX.

10. On August 8, 2018, Applicant filed U.S. Application Serial No. 88/070,094 (the “Application”) with the United States Patent & Trademark Office (the “USPTO”) for the EVER ONWARDS Mark for a litany of services, many of which are outside the scope of Applicant’s business, including: “apparatus for recording, transmission or reproduction of sounds, images or data; computer software for providing users pricing on insurance products in real-time that may be downloaded from a global computer network; downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; recorded and/or downloadable computer software, computer programmes, computer applications and downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; computer software, computer programmes, and downloadable mobile applications all for use in a real-time price comparison platform; database management software; electronic databases, namely, electronic database in the field of insurance recorded on computer media; downloadable electronic publications in the nature of magazines in the field of insurance; parts and fittings for all of the aforesaid goods” in Class 09, “printed matter, namely, paper signs, books, manuals and newsletters in the field of insurance; printed publications, namely, magazines, journals and newsletters in the field of insurance; printed reports in the field of insurance; pamphlets in the field of insurance; brochures in the field of insurance; periodicals, namely, magazines and newsletters in the field of insurance; educational publications, namely, magazines, journals and newsletters in the field of insurance; graphic art reproductions and representations; stationery; notebooks; instructional and teaching materials, other than apparatus, in the field of insurance” in Class 16, “advertising services; business management; business

administration; providing office functions; business risk assessment services; business risk management services; computerised business data verification services for others; business data processing verification services for others; compilation of statistics for business purposes; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services; cost price analysis services; price comparison services; provision of online price comparison services; the bringing together, for the benefit of others, of a variety of services, enabling customers to conveniently view and choose those services from an Internet website and/or another global computer network specialising in the provision of financial and insurance related services of others; information, advisory and consultancy services relating to all of the aforesaid services; including all the aforesaid services provided through communication networks, global computer networks, cable, satellite” in class 35, “insurance carrier services; insurance underwriting services for all types of insurance; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; financial risk management services; insurance brokerage; provision of insurance information; insurance subrogation; loss adjusting services in the field of insurance, namely, insurance services in the nature of loss control management for others; insurance actuarial services; financial affairs and monetary affairs, namely, financial information, management and analysis services; providing insurance premium rate quotes via online, telephone, mail means and/or via a global computer network; information, advisory and consultancy services relating to all of the aforesaid services” in class 36, “education services, namely, providing of training in the field of insurance; business training; training for personnel, team and organisational

development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance; entertainment services, namely, organizing sporting and cultural activities; book publishing services; online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; consultancy, advisory and information services relating to any of the aforesaid services” in class 41, and “design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, and price comparison platforms; platform as a service (PAAS) featuring computer software platforms for real-time price comparison; data security services, namely, computer threat analysis for protecting data; creating and maintaining bespoke technology platforms and websites, namely, creating computer platforms in the fields of cyber security, computer security, network security, application security, data security, and information security; data security consultancy services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; providing on-line support services for computer software users, namely, technical support services, namely, troubleshooting of computer software problems; computer security services for protection against illegal network access, namely, restricting unauthorised access to hard drives, computer networks, and websites; providing a web hosting platform for providing users pricing on insurance products in real-time; programming of software for information platforms on the Internet; application service provider (ASP) featuring software for use in providing users pricing on insurance products in real-time;

software as a service (SAAS) services, namely, hosting software for others for use in providing users pricing on insurance products in real-time; platform as a service (PAAS) featuring computer software platforms for providing users pricing on insurance products in real-time” in class 42 (“Applicant’s Services”). This Opposition relates solely to Applicant’s Class 41 services listed in the Application (the “Class 41 Services”).

11. The Application was filed under the following bases: 1(b) intent to use; and 44D foreign application. To date, Applicant has not submitted any evidence of use of the EVER ONWARDS Mark nor any date of first use in commerce in support of the Application.

12. On May 1, 2019, Applicant filed a Response to an Office Action in which Applicant deleted the 1(b) filing basis and amended the 44D basis to a 44E foreign registration basis. The Response to Office Action showing the amendment is attached as **Exhibit C**.

13. Upon information and belief, Applicant has never used Applicant’s Mark in connection with the Class 41 Services in interstate commerce in the U.S.

14. Opposer conducted an online investigation and found no use or evidence of intended use of the EVER ONWARDS Mark in connection with the Class 41 Services.

15. Upon information and belief, Applicant is an insurance company offering commercial business insurance through brokers. *See* screenshot of Applicant’s website attached as **Exhibit D**.

16. Upon information and belief, Applicant has never offered the Class 41 Services under its HISCOX house mark.

17. Upon information and belief, Applicant never intended to use the EVER ONWARDS Mark in commerce in connection with the Class 41 Services.

18. Upon information and belief, even if Applicant did intend to offer Class 41 Services under the EVER ONWARDS Mark, such intended use was designed to be primarily for the benefit



of Applicant, and not for third parties as required for registration.

19. On May 17, 2019, the Examining Attorney for Opposer's Application for the EVER ONWARD Mark suspended the application based on the earlier filing date of the Application based on a possible likelihood of confusion. A copy of this Notice of Suspension is attached as **Exhibit E**.

20. The Suspension indicates that the Examining Attorney considers there to be a possible likelihood of confusion as to the source of the parties' marks in the classes in which the parties' services overlap in Class 41. If Applicant's Mark is registered, it will likely be cited against Opposer's Application as a basis of a 2(d) likelihood of confusion refusal, thereby preventing Opposer from rightfully registering its EVER ONWARD Mark. As a result, Opposer will be severely harmed by the inability to obtain the full benefits in a federal registration for a trademark in which it has superior and prior rights over Applicant.

21. On June 19, 2019, Opposer's counsel sent a demand letter (the "Demand Letter") to Applicant's counsel requesting that the Applicant delete the Class 41 Services (the "Class 41 Services") due to Opposer's priority and likelihood of confusion concerns. As detailed in the Demand Letter, Applicant's Class 41 Services are outside the scope of Applicant's core services, which include providing personal and commercial insurance products and services. Additionally, Opposer's Priority Date was brought to the attention of Applicant. A true and accurate copy of the Demand Letter is attached hereto as **Exhibit F**.

22. After not receiving a response to the Demand Letter, on June 28, 2019, Opposer's counsel called Applicant's counsel, Mr. William Wright, and asked if his client would withdraw the overlapping Class 41 Services in the Application given Opposer's priority and the Notice of Suspension issued against Opposer's Application. Mr. Wright responded that Applicant had

received the letter and would respond. However, to date, Opposer has received no response to the Demand Letter.

23. Applicant's continued prosecution of the Application and any use of the EVER ONWARDS Mark constitutes intentional infringement and, furthermore, is in bad faith in light of Applicant receiving notice of Opposer's Mark through the Demand Letter.

24. Opposer began using its EVER ONWARD Mark in interstate commerce with Opposer's Services over seven months before the filing date of the Application. Accordingly, Opposer has priority of use over the Applicant.

25. Applicant is not associated or affiliated with Opposer.

26. Opposer has not consented to the Applicant's use of the EVER ONWARDS Mark.

**COUNT I**  
**LIKELIHOOD OF CONFUSION BASED ON PRIORITY OF USE**  
**PURSUANT TO 15 U.S.C. § 1052(D)**

27. Opposer repeats and realleges paragraphs 1 through 25 above.

28. Opposer first used its EVER ONWARD Mark in commerce prior to the filing date of the EVER ONWARDS Application.

29. Opposer's EVER ONWARD Mark is substantially similar in sound, connotation, and commercial impression to Applicant's EVER ONWARDS Mark. Indeed, both marks include the same words "EVER" followed by "ONWARD," with the only difference being the addition of an "s" at the end of Applicant's Mark.

30. Furthermore, Applicant's Services are related to Opposer's Class 41 Services in that both are in Class 41 and both cover educational and entertainment services relating to personal development.

31. Upon information and belief, the Applicant's Services and Opposer's Services are

offered in identical or highly similar channels of trade and target the same types of customers.

32. Opposer has been and will be damaged by Applicant's use and registration of the EVER ONWARDS Mark because such use and registration is likely to cause confusion, mistake, and deception by creating the false and misleading impression that Applicant's Services are provided by the Opposer, or are associated or connected with the Opposer, or have the sponsorship, endorsement, or approval of the Opposer.

33. Accordingly, the Application for the EVER ONWARDS Mark for the Class 41 Services should be refused pursuant to Trademark Act § 2(d), 15 U.S.C. § 1052(d), because the Opposer has priority of use and there is a likelihood of confusion.

**COUNT II**  
**LACK OF BONA FIDE INTENT TO USE THE MARK IN COMMERCE**  
**PURSUANT TO 15 U.S.C. §1126(E) and TMEP § 806.01(d)**

34. Opposer repeats and realleges paragraphs 1 through 33 above.

35. Opposer is an insurance company that offers insurance products and services.

36. Upon information and belief, Applicant is not in the business of providing Class 41 Services. To the extent that Applicant provides any Class 41 Services, such services are for the benefit of Applicant's employees, and not primarily for the benefit of third parties as required by TMEP § 1301.01(a)(ii).

37. Upon information and belief, Applicant lacks a bona fide intent to use the EVER ONWARDS Mark in connection with the Class 41 Services primarily for the benefit of someone other than Applicant.

38. Accordingly, the Application should be refused because Applicant lacks a bona fide intent to use the EVER ONWARDS Mark with the Class 41 Services.

**OPPOSER'S PRAYER FOR RELIEF**

WHEREFORE, Opposer respectfully requests that the Board refuse the registration of Trademark Application Serial No. 88/070,094 for the Class 41 Services and sustain this Opposition in favor of Opposer.

Respectfully submitted on July 18, 2019,

SPERRY IP LAW LLC d/b/a VIVID IP

/Marcy L. Sperry/  
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21<sup>st</sup> Floor  
Atlanta, Georgia 30326

Attorneys for Opposer.

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

**EVER ONWARD INC.,**

*Opposer,*

v.

**HISCOX CONNECT LTD.,**

*Applicant.*

Mark: EVER ONWARDS  
U.S. Application Serial No. 88/070,094

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below I served a true and correct copy of the foregoing  
NOTICE OF OPPOSITION, via email, on Counsel for Applicant, Mr. Bill Wright at:

[wwright@ipcounselors.com](mailto:wwright@ipcounselors.com)

Date: July 18, 2019

SPERRY IP LAW LLC d/b/a VIVID IP

/Marcy L. Sperry/  
Marcy L. Sperry, Esq.

# EXHIBIT A

## Trademark/Service Mark Application, Principal Register

Serial Number: 88110524

Filing Date: 09/10/2018

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88110524
MARK INFORMATION	
*MARK	<a href="#">EVER ONWARD</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EVER ONWARD
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Ever Onward Inc.
INTERNAL ADDRESS	Suite I, #123
*STREET	1153 Bergen Parkway
*CITY	Evergreen
*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	80439
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Colorado
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	041
*IDENTIFICATION	Educational and entertainment services, namely, conducting and hosting conferences, classes, training seminars, public speaking engagements, and live training events and webcasts in the field of leadership development; educational services, namely, providing webcasts and online learning modules in the field of leadership development; educational consulting services in the field of leadership development education and training
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/13/2017
FIRST USE IN COMMERCE DATE	At least as early as 12/13/2017

<b>SPECIMEN FILE NAME(S)</b>	
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<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1358416741-20180910110218101706_.Specimen_2.pdf</a>
<b>CONVERTED PDF FILE(S) (7 pages)</b>	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\881\105\88110524\xml1\RFA0009.JPG</a>
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\881\105\88110524\xml1\RFA0015.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Screenshots of website showing the mark in use in connection with the services
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Marcy L. Sperry
<b>FIRM NAME</b>	Sperry IP Law LLC
<b>INTERNAL ADDRESS</b>	3 Alliance Center, 21st Floor
<b>STREET</b>	3550 Lenox Rd. NE
<b>CITY</b>	Atlanta
<b>STATE</b>	Georgia
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	30326
<b>PHONE</b>	404-474-1600
<b>EMAIL ADDRESS</b>	docketing@sperryiplaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Alex J. Aron
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Marcy L. Sperry
<b>FIRM NAME</b>	Sperry IP Law LLC
<b>INTERNAL ADDRESS</b>	3 Alliance Center, 21st Floor
<b>STREET</b>	3550 Lenox Rd. NE
<b>CITY</b>	Atlanta



STATE	Georgia
COUNTRY	United States
ZIP/POSTAL CODE	30326
PHONE	404-474-1600
*EMAIL ADDRESS	docketing@sperryiplaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/Alex J. Aron/
SIGNATORY'S NAME	Alex J. Aron
SIGNATORY'S POSITION	Attorney of record, GA bar member
SIGNATORY'S PHONE NUMBER	404-474-1600
DATE SIGNED	09/10/2018

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 88110524**

**Filing Date: 09/10/2018**

### To the Commissioner for Trademarks:

**MARK:** EVER ONWARD (Standard Characters, see [mark](#))

The literal element of the mark consists of EVER ONWARD.

The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Ever Onward Inc., a corporation of Colorado, having an address of  
Suite I, #123  
1153 Bergen Parkway  
Evergreen, Colorado 80439  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Educational and entertainment services, namely, conducting and hosting conferences, classes, training seminars, public speaking engagements, and live training events and webcasts in the field of leadership development; educational services, namely, providing webcasts and online learning modules in the field of leadership development; educational consulting services in the field of leadership development education and training

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 12/13/2017, and first used in commerce at least as early as 12/13/2017, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots of website showing the mark in use in connection with the services.

#### Original PDF file:

[SPE0-1358416741-20180910110218101706\\_.Specimen\\_1.pdf](#)

#### Converted PDF file(s) (6 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

#### Original PDF file:

[SPE0-1358416741-20180910110218101706\\_.Specimen\\_2.pdf](#)

#### Converted PDF file(s) (7 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

#### The applicant's current Attorney Information:

Marcy L. Sperry and Alex J. Aron of Sperry IP Law LLC  
3 Alliance Center, 21st Floor  
3550 Lenox Rd. NE  
Atlanta, Georgia 30326

United States  
404-474-1600(phone)  
docketing@sperryiplaw.com (authorized)

The applicant's current Correspondence Information:

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Sperry IP Law LLC  
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3550 Lenox Rd. NE  
Atlanta, Georgia 30326  
404-474-1600(phone)  
docketing@sperryiplaw.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Alex J. Aron/ Date: 09/10/2018  
Signatory's Name: Alex J. Aron  
Signatory's Position: Attorney of record, GA bar member  
Payment Sale Number: 88110524  
Payment Accounting Date: 09/10/2018

Serial Number: 88110524  
Internet Transmission Date: Mon Sep 10 11:22:58 EDT 2018  
TEAS Stamp: USPTO/BAS-XXX.XX.XXX.XX-2018091011225813

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EVER ONWARD



COMMANDER'S COFFEE

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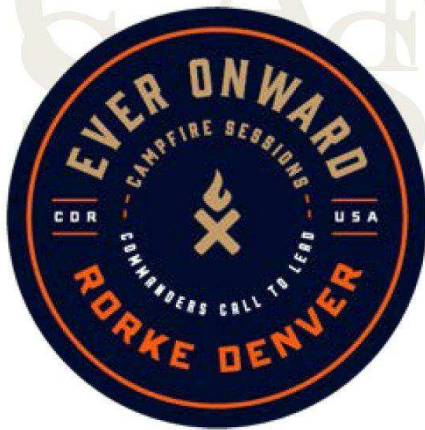
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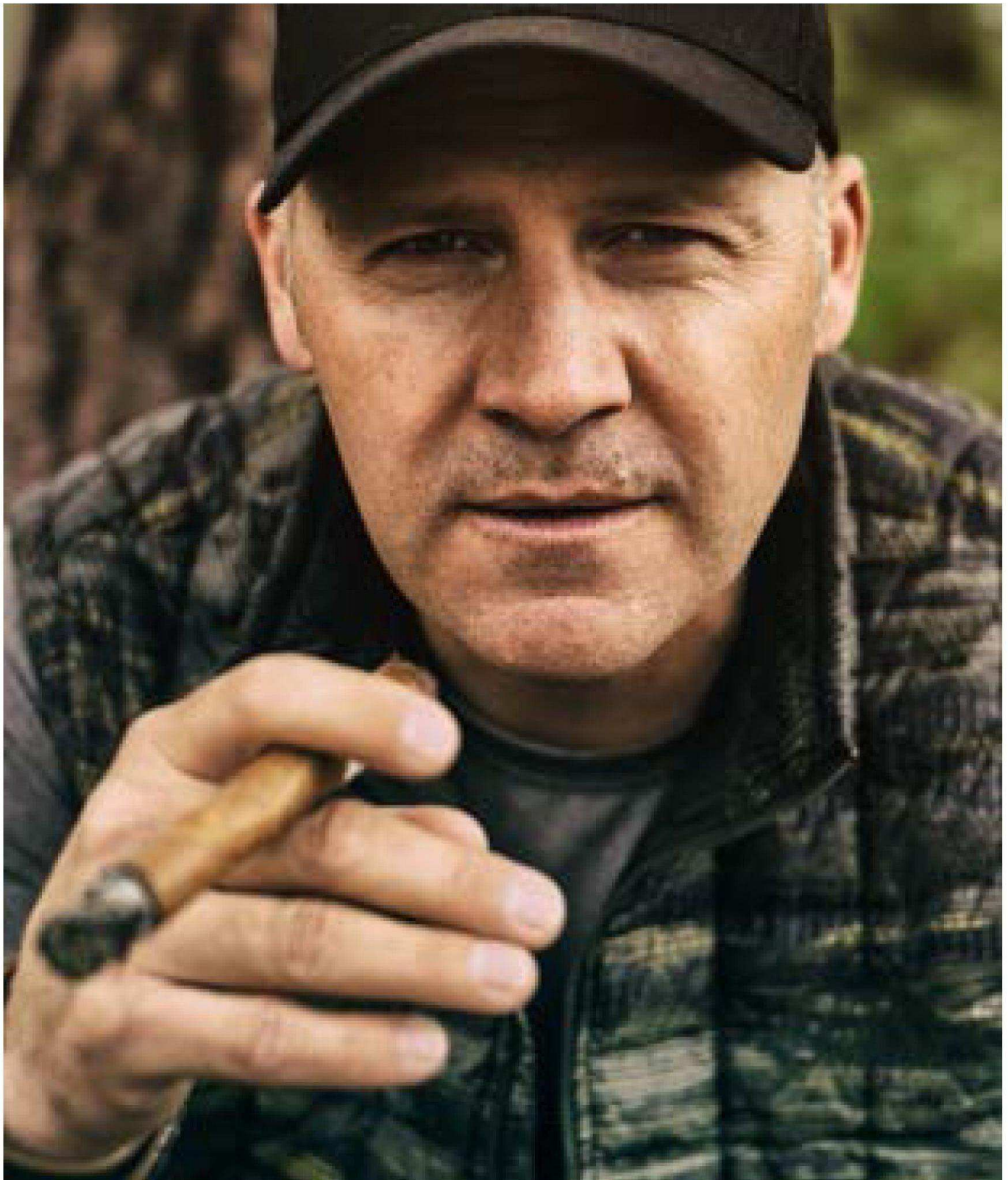
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Once you register, you will receive an email providing specific instructions on how to login. This will give you access to our platform. From there, you can submit questions for CDR Rorke to answer.

If you missed any of the sessions, or if you purchase the bundle after any of the sessions are complete, you will be able to watch them at any time OnDemand in your account.

**1 THE BATTLEFIELD**  
February 11, 2018, 8:30pm - 10:00pm EST

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**1 ASPIRE TO SUFFER**  
May 6, 2018, 8:30pm - 10:00pm EST

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**1 THE BRIEFING ROOM**  
August 26, 2018, 8:30pm - 10:00pm EST

\$ 9

**PURCHASE**

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**THE TROOPS**

1

November 11, 2018, 8:30pm - 10:00pm EST

\$ 9

**PURCHASE**

**ALL 4 SESSIONS**  
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You didn't have to try too hard to buy in to his message of character, leadership, bravery and service. There were 100 lessons. Some stories and their lessons you'd label unbelievable save for the storyteller...If you get the chance to hang by a campfire with a decorated Navy SEAL, you probably should. You might find three lessons or one hundred.

**MIKE GIVEN**

And that, ladies and gentleman, is what pure unadulterated AWESOME sounds like.

**ALLEN GUTTORMSON**

That was probably the best way to spend \$22 ever.

CHAD FRANK



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**(10) Campfire Sessions Live VIP Seats** are available per session. S'mores, cigars, and bourbon will be waiting for you at the campfire. Attendee provides own air travel, ground transportation, and lodging.

- Exclusive dinner with CDR Rorke before the Campfire begins (his favorite meal will be served)
- 1 of only 10 seats around the Campfire
- Just-released Ever Onward merchandise
- Signed copies of both of CDR Rorke's books
- S'mores, cigars, and bourbon

### 1 THE BATTLEFIELD

February 11, 2018, 8:30pm - 10:00pm EST

Live from Denver, CO

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### 1 ASPIRE TO SUFFER

May 6, 2018, 8:30pm - 10:00pm EST

Live from Atlanta, GA



## 1 THE BRIEFING ROOM

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Live from Asheville, NC

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## 1 THE TROOPS

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Live from Santa Fe, NM

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# Former Navy SEAL offers leadership lessons to city employees



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Former U.S. Navy SEALs commander Rorke Denver talks with Lexington City Manager Terra Greene after Denver spoke to city leaders Tuesday at the Lexington Police Department Training Facility. [Donnie Roberts/The Dispatch]

**By Sharon Myers / The Dispatch**  
Posted Jun 11, 2019 at 2:49 PM  
Updated Jun 11, 2019 at 3:32 PM



The City of Lexington brought in some big guns to provide leadership, motivation and inspiration during a professional development seminar for city employees at the Lexington Police Training Facility on Tuesday.

Rorke Denver is the founder of Ever Onward, an initiative designed to use Navy SEAL principles to call leaders to take action and to be bold so they can perform at their highest levels.

“I am joining the team here to talk about leadership, high performance teams, culture, management, all the things a city organization and public works are going to deal with,” Denver said. “I take all my military lessons from my special operations time and kind of translate that to the civilian world.”

Denver was a commander in the U.S. Navy SEALs for 13 years and led missions in the Middle East, Africa and Latin America. He has also run every phase of training for the Navy SEALs. He is currently serving in the Navy reserves and will be retiring with 20 years of service in the coming months.

He is also a New York Times bestselling author and starred in the film “Act of Valor,” which is based on true SEAL adventures. Denver was most recently a mentor on FOX’s “American Grit” series.

During the seminar, Denver discussed a variety of subjects such as how leadership sets the tone for an organization, the value of training and how to motivate employees to bring a passion to what they do.

“We all need paychecks, but if you are doing it just for that, you probably won’t perform at the highest level. If you can find that role in the organization or at least see the role you want, getting there will make it all worth doing,” Denver said.

Lexington City Manager Terra Greene said she invited Denver to speak to employees because she wants them to hear different experiences and learn new techniques for professional development and management.

“It is a great opportunity to bring someone and hear the experiences of a Navy SEAL that has defended and protected our nation and to be able to apply those principals in any workplace,” Greene said. “We have ongoing challenges in terms of developing leaders; not leaders in position, but leaders in every role within this organization and every job that they do. Everybody in this organization has a critical role and so everybody can learn leadership lessons in that role.”

Denver said that he sees a direct correlation between his military experience and running a government organization.

“I feel that I share a kinship with any municipality in that they work for the people and are the people,” Denver said. “In the military, we serve at the behest and the pleasure of the country to go do the nation’s work, but we also recognize that we’re beholden to the laws, to political guidance, so there is a lot of commonality talking to folks whose entire purpose is service.”

Denver said that although he has many interesting stories about his time in combat, it is not the battle experience that he is trying to represent. It is the shared principals he learned that can make an organization successful.

“In general, I try to highlight the fact that while the consequence of what we do can be dire and catastrophic because we are in the combat theater, all the principals, the passion and the commitment and the service we focus on is the same across every

high-performing organization, whether it is a municipality or a private entity.” Denver said. “Talking to folks like this whose entire mindset is focused on service, I feel right at home.”

Sharon Myers can be reached at (336) 249-3981, ext. 228, or [sharon.myers@the-dispatch.com](mailto:sharon.myers@the-dispatch.com)



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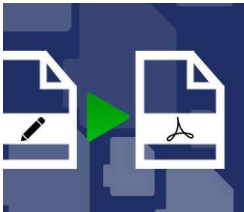
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LEAD

# 3 Great Leadership Lessons I Learned Sitting by a Campfire With a Navy SEAL

He learned these lessons on the battlefields of Iraq and Afghanistan.



By Matt Given *CEO, Intelivideo* @IntelivideoMatt



Commander (CDR) Rorke Denver, United States Navy SEAL COURTESY RORKE DENVER

Rorke Denver is a bear of a man. Not because he's a decorated Navy [SEAL](#). Or that he served [tours of duty](#) in some of the most intense and treacherous battle spaces in recent U.S. warfare (Al Anbar province, 2006). Or that he ran all elements of the legendary [SEAL training program](#).

He literally resembles a bear.

Into his mid-forties, Denver is hardly settling into middle age. Barrel chested with arms that otherwise loose fitting flannels can barely contain, he still looks the part.

If the apocalypse occurs, I'm angling hard to be included on Team Denver.

However, don't let the warrior exterior fool you. Beneath it all lies a strategic mind with keen insights into the ethos of leadership. As the author of [two books](#) on leadership, he's been one of the few veterans to transition from decorated battlefield leader to corporate consultant and speaker.

He's been known to quote his idol Winston Churchill, who he credits with the spark to join the SEAL Teams and serve his country.

His newest project is called [Campfire Sessions](#), part of his Ever Onward platform that he describes as "a brand designed to use Navy SEAL principles to call leaders to action, to suffer, and to be bold so they can perform at their very highest levels." Campfire Sessions is just what it sounds like: A select few get to hang out around a campfire and listen to a Navy SEAL talk battlefield stories, leadership, bourbon, cigars and America.

I got an invite to the first session. Another several thousand joined on a webcast. As we gathered around the fire in the chilly Colorado foothills, Denver opened with a gripping story from his time leading troops in Iraq. A team of SEALs, a unit of Iraqi troops, an ambush and a gun fight. We were all on the edge of our camp chairs.

The evening had a mix of stories and off-the-cuff Q&A. You didn't have to try too hard to buy in to his message of character, leadership, bravery and service. There were 100 lessons. Some stories and their lessons you'd label unbelievable save for the storyteller.

Here are three that really stood out:

## **1. Trust your junior leaders.**

Denver's unit was on patrol in the outskirts of Habbiniyah when his point man called him to the front. "I don't like this. Something's not right," he said.

Denver had spent countless hours in training with his team. He'd been on daily patrols and missions. He'd developed a level of trust over time, blood, sweat, and tears. He immediately halted the patrol and deployed to cover. As it turned out, there was an ambush planned.

Developing trust with your junior leaders on the battlefield multiplies the eyes and ears on scene. And, allows senior leaders to accomplish more by seizing opportunities and,

in this case, avoiding disaster.

## 2. Use training as inoculation.

The rigor in training among SEAL Teams is legendary. From Hell Week to the ongoing evolutions and workups, a SEALs' training program is never finished and always tough. Perhaps the toughest. It's been described as brutal. This, according to Denver, is very intentional.

The program is designed to "inoculate" SEALs for the super human demands of their missions. It goes beyond the physical hardships of training. Training should create thinkers.

"We'll send SEALs on a training mission and almost from the start throw monkey wrenches at them to see how they handle it," Denver says. And the idea that you can step up at game time? False, he says. "You'll most likely fall back to your level of training."

## 3. Earn it every day.

Embedded within the Navy SEAL ethos is this powerful line: "By wearing the Trident I accept the responsibility of my chosen profession and my way of life. It is a privilege I must earn everyday."

This syncs with this more famous SEAL line: "The only easy day was yesterday."

You get the sense from Rorke Denver, even with all he has accomplished, that he views himself as unfinished. He has not declared victory on his journey. This perhaps personifies his code more than any idea. There's always a new mission.

As leaders, we should be bound to this idea of being unfinished, the product of which is the quality that all great leaders possess: Humility.

If you get the chance to hang by a campfire with a decorated Navy SEAL, you probably should. You might find three lessons or one hundred.

In the quest to earn it every day, one lesson just might be enough.

Ever Onward.

PUBLISHED ON: FEB 15, 2018

*The opinions expressed here by Inc.com columnists are their own, not those of Inc.com.*

More from Inc.



Since age 13, when he wrote software to optimize his neighborhood lawn-mowing business, Clover Founder John Beatty has looked to technology to give small businesses an edge. The theme has remained a constant in his career, which has included stints in information technology, consulting, and venture capital as well as time as a founding engineer at Bix, an online voting website acquired by Yahoo.

Beatty's varied background proved to be the perfect training ground for developing [Clover](#), a flexible, customizable, and decidedly cool point-of-sale system for small businesses. Acquired by payments processing giant [First Data Merchant Services](#) in 2013, the Sunnyvale, California-based firm recently sold its 1 millionth unit.

In further support of small business owners, Clover has launched [CloverAchievers](#), a new program that showcases how small businesses thrive. *CloverAchievers* are business owners who are unique, authentic and passionate about their day-to-day work and do whatever it takes to achieve great success. The *CloverAchievers* program seeks businesses that exemplify these traits, and plans to award business grants and prizes totaling up to \$100,000 to select small businesses.

Beatty recently took the time to share his insights on hitting an entrepreneurial home run, being an "intrapreneur," and provide some powerful advice for other founders.

**What lessons from your own journey helped you create Clover?**

Entrepreneurs--at least when swinging for the fences--need a very clear thesis and the ability to test it in the absolute fastest, cheapest way possible. Then, you shouldn't argue with the results. I saw that at Bix. They made some decisions that were pretty bold. My personality would have had us grinding away to figure it out. They were very honest in saying, "That particular key metric is so far off, and we can't come up with a good idea to close the gap, so we'd better pivot the business now while we still have cash."

### **How did that affect your business?**

We raised \$6 million dollars for Clover based on a PowerPoint presentation, so it's not like we had any sort of initial traction before we got our financing. The first couple of ideas weren't exactly right, and that lesson of pivoting as fast as possible gave us multiple bites of the apple. If we hadn't been that honest with ourselves, we would have run out of money and been dead.

### **What did the First Data acquisition mean for Clover?**

In addition to having the largest partnership distribution with big banks, they had a true appreciation for our vision. We really felt like they understood the strategic value that we could bring. They were also willing to give us tremendous autonomy to let us incubate this thing and really get it out into the world. For our customers, this was the best of both worlds - the stability and reach of one of the largest financial technology companies in the world with the innovation and agility that comes with a Silicon Valley startup.

### **What freedom and opportunities does your role as an "intrapreneur" at First Data provide?**

Our first-generation product was built with about 20 engineers moving incredibly fast. You just don't see that in larger companies. First Data let us bring in incredibly talented people who are able to get something off the ground quickly and bypass a lot of the formal processes, relying on trust, skill, and passion. You have to bootstrap at first to prove you use money wisely. But, once you build that trust, no one asks, "What's the ROI of that one employee you're hiring?"

### **What did it mean to you when the 1 millionth Clover was sold in September 2018?**

As you build things, the milestones are probably under-appreciated. It's pretty remarkable and very gratifying. It's also very sobering because it's a big responsibility. You made a million devices. Now, you've got to make sure that they all work, and that hardware reliability is good--these are the things I think about. But it was a cool moment,



nonetheless. That said, there's always more value we can drive for our customers. My head is always thinking about the next innovation that we can develop.

### **Tell us about your partnership with the Girl Scouts of America.**

Now that we have these young women armed with [Clover Go](#) devices, people who aren't carrying cash can purchase Girl Scout cookies. The importance of feeling professional in that way gives them confidence. I learned this as a teenager in my lawn-mowing business. I'd be shocked if we're not empowering the next generation of entrepreneurs.

### **Speaking of empowering entrepreneurs, what do you hope to accomplish with the *CloverAchievers* contest?**

From early May through July, we'll be looking for small businesses that embody the Clover ethos of striving to accomplish more than the status quo and surprising and delighting their customers in unexpected ways. Winners will receive a combination of a cash grant, a 'Clover makeover' and a donation on their behalf to an approved local non-profit. This contest will really let us celebrate the impact that small business owners have on the broader economy and give them a forum to tell their stories. Interested business owners can find out more at [firstdata.com/clovercontest](https://firstdata.com/clovercontest).

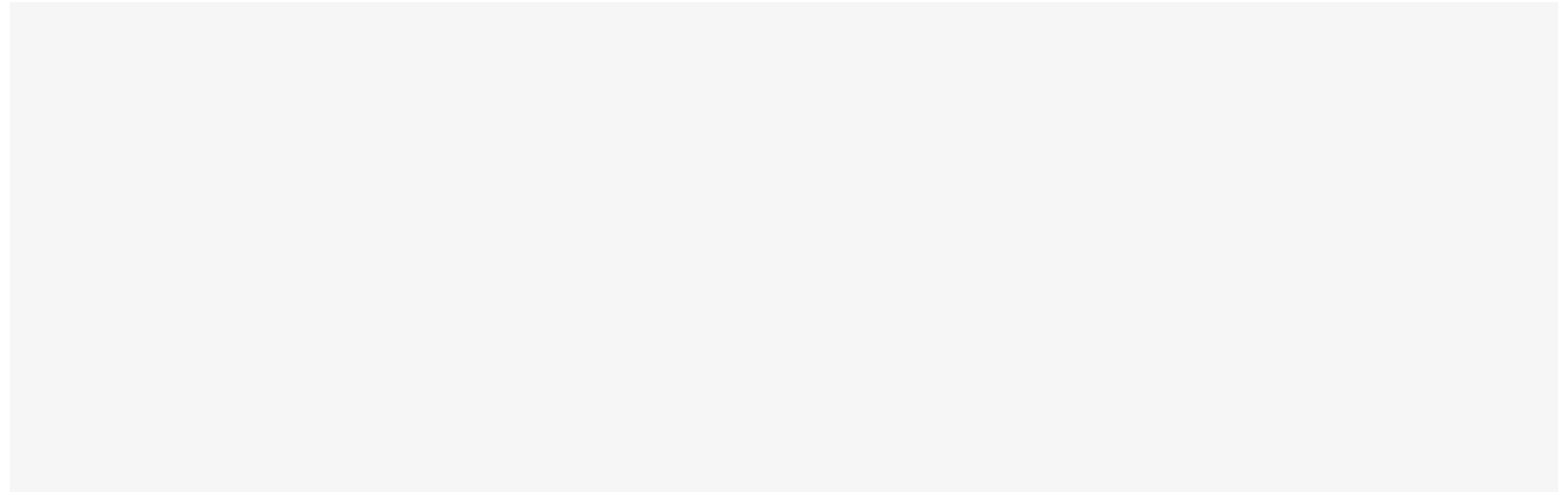
### **If you had one piece of advice for people thinking about starting a business, what would it be?**

Starting a business, whether it's a Silicon Valley startup or a new shop on Main Street, is all-consuming. Knowing that, you should do something you really love and believe in. It certainly helps to have a support network around you between friends and family that are able to appreciate the long hours and mindshare that your endeavor will require. It's amazing upside. Just be prepared for what it takes to get there. A bonus piece of advice is to be flexible. Oftentimes, entrepreneurs go down paths they never expected, so be flexible, and enjoy the ride wherever it takes you.

For more information on the CloverAchievers contest and to submit an entry, [click here](#).

PUBLISHED ON: MAY 6, 2019

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MARK	https://tmng-al.uspto.gov/resting2/api/img/88070094/large
LITERAL ELEMENT	EVER ONWARDS
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USPTO-GENERATED IMAGE	YES
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INTERNATIONAL CLASS	009
DESCRIPTION	
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FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Apparatus for recording, transmission or reproduction of sounds, images or data; <del>recorded and/or downloadable computer software, computer programmes, computer applications and mobile applications;</del> computer software for providing users pricing on insurance products in real-time that may be downloaded from a global computer network; <del>data collection and storage apparatus and devices;</del> downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; <del>data processing systems;</del> recorded and/or downloadable computer software, computer programmes, computer applications and downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; <del>data encryption apparatus;</del> computer software, computer programmes, and downloadable mobile applications all for use in a real-time price comparison platform; <del>computer databases;</del> database management software; <del>electronic databases;</del> electronic databases namely electronic database in the field of insurance recorded on computer media; <del>electronic directories;</del> downloadable electronic publications in the nature of magazines in the field of insurance; <del>downloadable</del>	

~~electronic publications~~; parts and fittings for all of the aforesaid goods

#### FINAL DESCRIPTION

Apparatus for recording, transmission or reproduction of sounds, images or data; computer software for providing users pricing on insurance products in real-time that may be downloaded from a global computer network; downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; recorded and/or downloadable computer software, computer programmes, computer applications and downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; computer software, computer programmes, and downloadable mobile applications all for use in a real-time price comparison platform; database management software; electronic databases namely electronic database in the field of insurance recorded on computer media; downloadable electronic publications in the nature of magazines in the field of insurance; parts and fittings for all of the aforesaid goods

FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
INTENT TO PERFECT 44(d)	At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	259675
FOREIGN REGISTRATION COUNTRY	Ireland
FOREIGN REGISTRATION DATE	06/29/2018
FOREIGN REGISTRATION FILE NAME(S)	
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STANDARD CHARACTERS OR EQUIVALENT	YES

#### GOODS AND/OR SERVICES SECTION (016)(current)

INTERNATIONAL CLASS	016
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#### DESCRIPTION

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FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018

#### GOODS AND/OR SERVICES SECTION (016)(proposed)

INTERNATIONAL CLASS	
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INTERNATIONAL CLASS	016
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FINAL DESCRIPTION	
Printed matter namely, paper signs, books, manuals and newsletters in the field of insurance; printed publications namely, magazines, journals and newsletters in the field of insurance; printed reports in the field of insurance; pamphlets in the field of insurance; brochures in the field of insurance; periodicals namely, magazines and newsletters in the field of insurance; educational publications, namely, magazines, journals and newsletters in the field of insurance; graphic art reproductions and representations; stationery; notebooks; instructional and teaching materials, other than apparatus, in the field of insurance	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
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FILING BASIS	Section 44(e)
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FOREIGN REGISTRATION COUNTRY	Ireland
FOREIGN REGISTRATION DATE	06/29/2018
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">FRU1-1607996147-111223888_ _IE_Reg_Cert_259675_002_.pdf</a>
CONVERTED PDF FILE(S) (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0005.JPG</a>
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0007.JPG</a>
STANDARD CHARACTERS OR EQUIVALENT	YES
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Advertising; business management; business administration; business consulting and advisory services; office functions; business risk assessment services; business risk management services; computerised data management; computerised data verification; data processing verification; compilation of statistics; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services	
FILING BASIS	Section 1(b)

<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2018/01434
<b>FOREIGN APPLICATION COUNTRY</b>	Ireland
<b>FOREIGN FILING DATE</b>	06/29/2018
<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>TRACKED TEXT DESCRIPTION</b>	
<p><del>Advertising; Advertising services;</del> business management; business administration; <del>business consulting and advisory services;</del> <u>providing office functions; office functions;</u> business risk assessment services; business risk management services; <u>computerised business data verification services for others; computerised data management; business data processing verification services for others; computerised data verification; compilation of statistics for business purposes; data processing verification;</u> analysis of market research data and statistics; <del>compilation of statistics;</del> preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services; <u>cost price analysis services; price comparison services; provision of online price comparison services; the bringing together, for the benefit of others, of a variety of services, enabling customers to conveniently view and choose those services from an Internet website and/or another global computer network specialising in the provision of financial and insurance related services of others; information, advisory and consultancy services relating to all of the aforesaid services; including all the aforesaid services provided through communication networks, global computer networks, cable, satellite</u></p>	
<b>FINAL DESCRIPTION</b>	
<p>Advertising services; business management; business administration; providing office functions; business risk assessment services; business risk management services; computerised business data verification services for others; business data processing verification services for others; compilation of statistics for business purposes; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services; cost price analysis services; price comparison services; provision of online price comparison services; the bringing together, for the benefit of others, of a variety of services, enabling customers to conveniently view and choose those services from an Internet website and/or another global computer network specialising in the provision of financial and insurance related services of others; information, advisory and consultancy services relating to all of the aforesaid services; including all the aforesaid services provided through communication networks, global computer networks, cable, satellite</p>	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2018/01434
<b>FOREIGN APPLICATION COUNTRY</b>	Ireland
<b>FOREIGN FILING DATE</b>	06/29/2018
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	259675
<b>FOREIGN REGISTRATION COUNTRY</b>	Ireland
<b>FOREIGN REGISTRATION DATE</b>	06/29/2018
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">FRU2-1607996147-111223888 . IE Reg Cert 259675 002 .pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0008.JPG</a>
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0010.JPG</a>
STANDARD CHARACTERS OR EQUIVALENT	YES
<b>GOODS AND/OR SERVICES SECTION (036)(current)</b>	
INTERNATIONAL CLASS	036
<b>DESCRIPTION</b>	
Insurance; insurance services; insurance underwriting services; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; insurance actuarial services; risk management services; monetary affairs; financial affairs; financial evaluation (insurance); providing insurance premium rate quotes via online, telephone and mail means; consultancy, advisory and information services relating to any of the aforesaid services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
<b>GOODS AND/OR SERVICES SECTION (036)(proposed)</b>	
INTERNATIONAL CLASS	036
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Insurance; Insurance carrier services; insurance services; insurance underwriting services for all types of insurance; insurance underwriting services; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; financial risk management services; insurance brokerage; risk management services; provision of insurance information; monetary affairs; insurance subrogation; financial affairs; loss adjusting services in the field of insurance namely insurance services in the nature of loss control management for others; financial evaluation (insurance); insurance actuarial services; providing insurance premium rate quotes via online, telephone and mail means; financial affairs and monetary affairs, namely financial information, management and analysis services; consultancy, advisory and information services relating to any of the aforesaid services; providing insurance premium rate quotes via online, telephone, mail means and/or via a global computer network; information, advisory and consultancy services relating to all of the aforesaid services</del>	
<b>FINAL DESCRIPTION</b>	
Insurance carrier services; insurance underwriting services for all types of insurance; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; financial risk management services; insurance brokerage; provision of insurance information; insurance subrogation; loss adjusting services in the field of insurance namely insurance services in the nature of loss control management for others; insurance actuarial services; financial affairs and monetary affairs, namely financial information, management and analysis services; providing insurance premium rate quotes via online, telephone, mail means and/or via a global computer network; information, advisory and consultancy services relating to all of the aforesaid services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
INTENT TO PERFECT 44(d)	At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.
FILING BASIS	Section 44(e)

FOREIGN REGISTRATION NUMBER	259675
FOREIGN REGISTRATION COUNTRY	Ireland
FOREIGN REGISTRATION DATE	06/29/2018
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">FRU3-1607996147-111223888 . IE Reg Cert 259675 _002 .pdf</a>
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0013.JPG</a>
STANDARD CHARACTERS OR EQUIVALENT	YES
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
INTERNATIONAL CLASS	041
DESCRIPTION	
Education; providing of training; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations; entertainment; sporting and cultural activities; publishing services; online publication of publications, reports, pamphlets, brochures, periodicals, magazines, newsletters, books and educational publications; consultancy, advisory and information services relating to any of the aforesaid services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
<del>Education;</del> <a href="#">Education services, namely, providing of training in the field of insurance;</a> <del>providing of training;</del> business training; training for personnel, team and organisational development; <a href="#">arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance;</a> <del>arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations;</del> <a href="#">entertainment services, namely organizing sporting and cultural activities;</a> <del>entertainment;</del> <a href="#">book publishing services;</a> <del>sporting and cultural activities;</del> <a href="#">online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance;</a> <del>publishing services;</del> <a href="#">online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance;</a> <del>online publication of publications, reports, pamphlets, brochures, periodicals, magazines, newsletters, books and educational publications;</del> consultancy, advisory and information services relating to any of the aforesaid services	
FINAL DESCRIPTION	
Education services, namely, providing of training in the field of insurance; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance; entertainment services, namely organizing sporting and cultural activities; book publishing services; online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; consultancy, advisory and information services relating to any of the aforesaid services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)

FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
INTENT TO PERFECT 44(d)	At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	259675
FOREIGN REGISTRATION COUNTRY	Ireland
FOREIGN REGISTRATION DATE	06/29/2018
FOREIGN REGISTRATION FILE NAME(S)	
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0016.JPG</a>
STANDARD CHARACTERS OR EQUIVALENT	YES
<b>GOODS AND/OR SERVICES SECTION (042)(current)</b>	
INTERNATIONAL CLASS	042
DESCRIPTION	
Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, cyber security, computer security, network security, application security, data security, and information security; data security services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; operation of search engines; providing on-line support services for computer software users; computer security system monitoring; computer security services for protection against illegal network access; hosting platforms on the Internet; programming of software for information platforms on the Internet; application service provider (ASP) services; software as a service (SaaS); platform as a service (PaaS); consultancy, advisory and information services relating to any of the aforesaid services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2018/01434
FOREIGN APPLICATION COUNTRY	Ireland
FOREIGN FILING DATE	06/29/2018
<b>GOODS AND/OR SERVICES SECTION (042)(proposed)</b>	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
<del>Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, cyber security, computer security, network security, application security, data security, and information security;</del> <a href="#">Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, and price comparison platforms;</a> <del>data security services;</del> <a href="#">platform as a service (PAAS) featuring computer software platforms for real-time price comparison;</a> <a href="#">data security services namely computer threat analysis for protecting data;</a> <a href="#">creating and maintaining bespoke technology platforms and websites, namely, creating computer platforms in the fields of cyber security,</a>	



[computer security, network security, application security, data security, and information security; data security consultancy services; operation of search engines](#); creating and maintaining bespoke technology platforms and websites; [providing on-line support services for computer software users](#); providing temporary use of non-downloadable software for database management; [computer security system monitoring](#); providing temporary use of non-downloadable software for analysing data and generating reports; [computer security services for protection against illegal network access](#); [providing on-line support services for computer software users namely technical support services, namely, troubleshooting of computer software problems](#); [hosting platforms on the Internet](#); [computer security services for protection against illegal network access, namely, restricting unauthorised access to hard drives, computer networks, and websites](#); [providing a web hosting platform for providing users pricing on insurance products in real-time](#); [application service provider \(ASP\) services](#); programming of software for information platforms on the Internet; [software as a service \(SaaS\)](#); [application service provider \(ASP\) featuring software for use in providing users pricing on insurance products in real-time](#); [platform as a service \(PaaS\)](#); [software as a service \(SAAS\) services, namely, hosting software for others for use in providing users pricing on insurance products in real-time](#); [consultancy, advisory and information services relating to any of the aforesaid services](#); [platform as a service \(PAAS\) featuring computer software platforms for providing users pricing on insurance products in real-time](#)

#### FINAL DESCRIPTION

Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, and price comparison platforms; platform as a service (PAAS) featuring computer software platforms for real-time price comparison; data security services namely computer threat analysis for protecting data; creating and maintaining bespoke technology platforms and websites, namely, creating computer platforms in the fields of cyber security, computer security, network security, application security, data security, and information security; data security consultancy services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; providing on-line support services for computer software users namely technical support services, namely, troubleshooting of computer software problems; computer security services for protection against illegal network access, namely, restricting unauthorised access to hard drives, computer networks, and websites; providing a web hosting platform for providing users pricing on insurance products in real-time; programming of software for information platforms on the Internet; application service provider (ASP) featuring software for use in providing users pricing on insurance products in real-time; software as a service (SAAS) services, namely, hosting software for others for use in providing users pricing on insurance products in real-time; platform as a service (PAAS) featuring computer software platforms for providing users pricing on insurance products in real-time

<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	2018/01434
<b>FOREIGN APPLICATION COUNTRY</b>	Ireland
<b>FOREIGN FILING DATE</b>	06/29/2018
<b>INTENT TO PERFECT 44(d)</b>	At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	259675
<b>FOREIGN REGISTRATION COUNTRY</b>	Ireland
<b>FOREIGN REGISTRATION DATE</b>	06/29/2018
<b>FOREIGN REGISTRATION FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">FRU5-1607996147-111223888 . IE Reg Cert 259675 002 .pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0017.JPG</a>
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	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0019.JPG</a>
<b>STANDARD CHARACTERS OR EQUIVALENT</b>	YES



SIGNATURE SECTION	
ORIGINAL PDF FILE	<a href="#">HS_1607996147-144320961_._Dec_Ever_Onwards_88070094.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\880\700\88070094\xml4\ROA0020.JPG</a>
SIGNATORY'S NAME	Lori-Lee Hall
SIGNATORY'S POSITION	Company Secretary
RESPONSE SIGNATURE	/William C. Wright/
SIGNATORY'S NAME	William C. Wright
SIGNATORY'S POSITION	Attorney of record, New York Bar
DATE SIGNED	05/01/2019
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed May 01 11:34:11 EDT 2019
TEAS STAMP	USPTO/ROA-XXX.XX.XX.XXX-2 0190501113411363440-88070 094-6202f8b69d34982dbb392 1d206d4c46981a5358c4d2df0 42942f6c469dfe3b2-N/A-N/A -20190501111223888399

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OMB No. 0651-0050 (Exp 09/20/2020)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **88070094** EVER ONWARDS(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/88070094/large>) has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

Applicant, by its undersigned attorney, encloses a copy of the corresponding Ireland registration. Contingent upon the acceptance thereof, kindly delete Applicant's 1(b) filing basis.

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 009 for Apparatus for recording, transmission or reproduction of sounds, images or data; recorded and/or downloadable computer software, computer programmes, computer applications and mobile applications; data collection and storage apparatus and devices; data processing systems; data encryption apparatus; computer databases; electronic databases; electronic directories; downloadable electronic publications; parts and fittings for all of the aforesaid goods

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the

mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. *For a certification application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** Apparatus for recording, transmission or reproduction of sounds, images or data; ~~recorded and/or downloadable computer software, computer programmes, computer applications and mobile applications;~~ computer software for providing users pricing on insurance products in real-time that may be downloaded from a global computer network; ~~data collection and storage apparatus and devices;~~ downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; ~~data processing systems;~~ recorded and/or downloadable computer software, computer programmes, computer applications and downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; ~~data encryption apparatus;~~ computer software, computer programmes, and downloadable mobile applications all for use in a real-time price comparison platform; ~~computer databases;~~ database management software; ~~electronic databases;~~ electronic databases namely electronic database in the field of insurance recorded on computer media; ~~electronic directories;~~ downloadable electronic publications in the nature of magazines in the field of insurance; ~~downloadable electronic publications;~~ parts and fittings for all of the aforesaid goods

Class 009 for Apparatus for recording, transmission or reproduction of sounds, images or data; computer software for providing users pricing on insurance products in real-time that may be downloaded from a global computer network; downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; recorded and/or downloadable computer software, computer programmes, computer applications and downloadable software in the nature of a mobile application for providing users pricing on insurance products in real-time; computer software, computer programmes, and downloadable mobile applications all for use in a real-time price comparison platform; database management software; electronic databases namely electronic database in the field of insurance recorded on computer media; downloadable electronic publications in the nature of magazines in the field of insurance; parts and fittings for all of the aforesaid goods

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:** *For all applications:* The applicant attaches a copy of [ Ireland registration number

259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate.

**For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

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**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 016 for Printed matter; printed publications; printed reports; pamphlets; brochures; periodicals; magazines; newsletters; books; educational publications; graphic reproductions and representations; stationery; notebooks; instructional and teaching materials (other than apparatus)

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on[ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** ~~Printed matter; Printed matter namely, paper signs, books, manuals and newsletters in the field of insurance; printed publications; printed publications namely, magazines, journals and newsletters in the field of insurance; printed reports; printed reports in the field of insurance; pamphlets; pamphlets in the field of insurance; brochures; brochures in the field of insurance; periodicals; periodicals namely, magazines and newsletters in the field of insurance; magazines; educational publications, namely, magazines, journals and newsletters in the field of insurance; newsletters; graphic art reproductions and representations; books; stationery; educational publications; notebooks; graphic reproductions and representations; instructional and teaching materials, other than apparatus, in the field of insurance; instructional and teaching materials (other than apparatus)~~

Class 016 for Printed matter namely, paper signs, books, manuals and newsletters in the field of insurance; printed publications namely, magazines, journals and newsletters in the field of insurance; printed reports in the field of insurance; pamphlets in the field of insurance; brochures in the field of insurance; periodicals namely, magazines and newsletters in the field of insurance; educational publications, namely, magazines, journals and newsletters in the field of insurance; graphic art reproductions and representations; stationery; notebooks; instructional and teaching materials, other than apparatus, in the field of insurance

**Filing Basis: Section 1(b), Intent to Use:** **For a trademark or service mark application:** As of the application filing date, the applicant had a

bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:****For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:****For all applications:** The applicant attaches a copy of [ Ireland registration number 259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate.

**For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

[FRU1-1607996147-111223888 . IE Reg Cert 259675 \\_002 .pdf](#)

**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 035 for Advertising; business management; business administration; business consulting and advisory services; office functions; business risk assessment services; business risk management services; computerised data management; computerised data verification; data processing verification; compilation of statistics; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services

**Original Filing Basis:**

**Filing Basis: Section 1(b), Intent to Use:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** **For a trademark or service mark application:** As of the application filing date,



the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** ~~Advertising;~~ Advertising services; business management; business administration; ~~business consulting and advisory services;~~ providing office functions; ~~office functions;~~ business risk assessment services; business risk management services; computerised business data verification services for others; ~~computerised data management;~~ business data processing verification services for others; ~~computerised data verification;~~ compilation of statistics for business purposes; ~~data processing verification;~~ analysis of market research data and statistics; ~~compilation of statistics;~~ preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services; cost price analysis services; price comparison services; provision of online price comparison services; the bringing together, for the benefit of others, of a variety of services, enabling customers to conveniently view and choose those services from an Internet website and/or another global computer network specialising in the provision of financial and insurance related services of others; information, advisory and consultancy services relating to all of the aforesaid services; including all the aforesaid services provided through communication networks, global computer networks, cable, satellite

Class 035 for Advertising services; business management; business administration; providing office functions; business risk assessment services; business risk management services; computerised business data verification services for others; business data processing verification services for others; compilation of statistics for business purposes; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services; cost price analysis services; price comparison services; provision of online price comparison services; the bringing together, for the benefit of others, of a variety of services, enabling customers to conveniently view and choose those services from an Internet website and/or another global computer network specialising in the provision of financial and insurance related services of others; information, advisory and consultancy services relating to all of the aforesaid services; including all the aforesaid services provided through communication networks, global computer networks, cable, satellite

**Filing Basis: Section 1(b), Intent to Use:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:** **For all applications:** The applicant attaches a copy of [ Ireland registration number 259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate

control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

[FRU2-1607996147-111223888 . IE\\_Reg\\_Cert\\_259675\\_002\\_.pdf](#)

**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 036 for Insurance; insurance services; insurance underwriting services; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; insurance actuarial services; risk management services; monetary affairs; financial affairs; financial evaluation (insurance); providing insurance premium rate quotes via online, telephone and mail means; consultancy, advisory and information services relating to any of the aforesaid services

**Original Filing Basis:**

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on[ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** ~~Insurance; Insurance carrier services; insurance-services; insurance underwriting services for all types of insurance; insurance-underwriting-services;~~ insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; ~~financial risk management services; insurance brokerage; risk-management-services; provision of insurance information; monetary affairs; insurance subrogation; financial affairs; loss adjusting services in the field of insurance namely insurance services in the nature of loss control management for others; financial-evaluation (insurance);~~ insurance actuarial services; ~~providing insurance-premium-rate-quotes-via-online, telephone and mail means; financial affairs and monetary affairs, namely financial information, management and analysis services; consultancy, advisory and information services relating to any of the aforesaid services; providing insurance premium rate quotes via online, telephone, mail means and/or via a global computer network; information, advisory and consultancy services relating to all of the aforesaid services~~

Class 036 for Insurance carrier services; insurance underwriting services for all types of insurance; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; financial risk management services; insurance brokerage; provision of insurance information; insurance subrogation; loss adjusting services in the field of insurance namely insurance services in the nature of loss control management for others; insurance actuarial services; financial affairs and monetary affairs, namely

financial information, management and analysis services; providing insurance premium rate quotes via online, telephone, mail means and/or via a global computer network; information, advisory and consultancy services relating to all of the aforesaid services

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:*****For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:*****For all applications:*** The applicant attaches a copy of [ Ireland registration number 259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate.

***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

[FRU3-1607996147-111223888 . IE Reg. Cert 259675\\_002 .pdf](#)

**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 041 for Education; providing of training; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations; entertainment; sporting and cultural activities; publishing services; online publication of publications, reports, pamphlets, brochures, periodicals, magazines, newsletters, books and educational publications; consultancy, advisory and information services relating to any of the aforesaid services

**Original Filing Basis:**

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the

mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. *For a certification application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** ~~Education; Education services, namely, providing of training in the field of insurance; providing of training; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations; entertainment services, namely organizing sporting and cultural activities; entertainment; book publishing services; sporting and cultural activities; online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; publishing services; online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; online publication of publications, reports, pamphlets, brochures, periodicals, magazines, newsletters, books and educational publications;~~ consultancy, advisory and information services relating to any of the aforesaid services

Class 041 for Education services, namely, providing of training in the field of insurance; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations in the field of insurance; entertainment services, namely organizing sporting and cultural activities; book publishing services; online publication of publications, namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; online publication of educational publications namely, reports, pamphlets, brochures, periodicals, magazines, newsletters and books in the field of insurance; consultancy, advisory and information services relating to any of the aforesaid services

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:** *For all applications:* The applicant attaches a copy of [ Ireland registration number 259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. *For a collective trademark, collective service mark, or collective*



**membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

[FRU4-1607996147-111223888\\_ \\_IE\\_Reg\\_Cert\\_259675\\_002\\_.pdf](#)

**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, cyber security, computer security, network security, application security, data security, and information security; data security services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; operation of search engines; providing on-line support services for computer software users; computer security system monitoring; computer security services for protection against illegal network access; hosting platforms on the Internet; programming of software for information platforms on the Internet; application service provider (ASP) services; software as a service (SaaS); platform as a service (PaaS); consultancy, advisory and information services relating to any of the aforesaid services

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:**

**Tracked Text Description:** ~~Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, cyber security, computer security, network security, application security, data security, and information security;~~ [Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, and price comparison platforms;](#) ~~data security services;~~ [platform as a service \(PAAS\) featuring computer software platforms for real-time price comparison;](#) [data security services namely computer threat analysis for protecting data;](#) [creating and maintaining bespoke technology platforms and websites, namely, creating computer platforms in the fields of cyber security, computer security, network security, application security, data security, and information security;](#) [data security consultancy services;](#) ~~operation of search engines;~~ [creating and maintaining bespoke technology platforms and websites;](#) ~~providing on-line support services for computer software users;~~ [providing temporary use of non-downloadable software for database management;](#) ~~computer security system monitoring;~~ [providing temporary use of non-downloadable software for analysing data and generating reports;](#) ~~computer security services for protection against illegal network access;~~ [providing on-line support services for computer software users namely technical support services, namely, troubleshooting of computer software problems;](#) ~~hosting platforms on the Internet;~~ [computer security services for protection against](#)

[illegal network access, namely, restricting unauthorised access to hard drives, computer networks, and websites; providing a web hosting platform for providing users pricing on insurance products in real-time; application service provider \(ASP\) services; programming of software for information platforms on the Internet; software as a service \(SaaS\); application service provider \(ASP\) featuring software for use in providing users pricing on insurance products in real-time; platform as a service \(PaaS\); software as a service \(SAAS\) services, namely, hosting software for others for use in providing users pricing on insurance products in real-time; consultancy, advisory and information services relating to any of the aforesaid services; platform as a service \(PAAS\) featuring computer software platforms for providing users pricing on insurance products in real-time](#)

Class 042 for Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, and price comparison platforms; platform as a service (PAAS) featuring computer software platforms for real-time price comparison; data security services namely computer threat analysis for protecting data; creating and maintaining bespoke technology platforms and websites, namely, creating computer platforms in the fields of cyber security, computer security, network security, application security, data security, and information security; data security consultancy services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; providing on-line support services for computer software users namely technical support services, namely, troubleshooting of computer software problems; computer security services for protection against illegal network access, namely, restricting unauthorised access to hard drives, computer networks, and websites; providing a web hosting platform for providing users pricing on insurance products in real-time; programming of software for information platforms on the Internet; application service provider (ASP) featuring software for use in providing users pricing on insurance products in real-time; software as a service (SAAS) services, namely, hosting software for others for use in providing users pricing on insurance products in real-time; platform as a service (PAAS) featuring computer software platforms for providing users pricing on insurance products in real-time

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:*****For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Ireland application number 2018/01434 filed 06/29/2018]. 15 U.S.C. Section 1126(d), as amended.

**INTENT TO PERFECT 44(d) :** At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority. The application should not be suspended to await the submission of the foreign registration.

**Filing Basis: Section 44(e), Based on Foreign Registration:*****For all applications:*** The applicant attaches a copy of [ Ireland registration number 259675 registered 06/29/2018 with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Original PDF file:**

[FRU5-1607996147-111223888 . IE Reg. Cert 259675\\_002 .pdf](#)

**Converted PDF file(s) ( 3 pages)**

[Foreign Registration-1](#)

[Foreign Registration-2](#)

### Foreign Registration-3

The foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

#### **SIGNATURE(S)**

##### **Declaration Signature**

##### **Original PDF file:**

[HS\\_1607996147-144320961 . Dec Ever Onwards 88070094.pdf](#)

##### **Converted PDF file(s) (1 page)**

##### [Signature File1](#)

Signatory's Name: Lori-Lee Hall

Signatory's Position: Company Secretary

##### **Response Signature**

Signature: /William C. Wright/ Date: 05/01/2019

Signatory's Name: William C. Wright

Signatory's Position: Attorney of record, New York Bar

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 88070094

Internet Transmission Date: Wed May 01 11:34:11 EDT 2019

TEAS Stamp: USPTO/ROA-XXX.XX.XX.XXX-2019050111341136

3440-88070094-6202f8b69d34982dbb3921d206

d4c46981a5358c4d2df042942f6c469dfe3b2-N/

A-N/A-20190501111223888399



**TRADE MARKS ACT, 1996**

**Certificate of Trade Mark Registration**

It is hereby certified that the Trade Mark to which this Certificate relates has been registered in the Register of Trade Marks in the name of

**Hiscox Connect Limited, 1 Great St Helens, London, EC3A 6HX, United Kingdom**

Under No: **259675** in respect of certain Goods and Services in Class(es) 9, 16, 35, 36, 41 and 42.

A list of the Goods and Services to which the registration relates is appended to this Certificate.

Publication of this registration will appear in Journal No. **2381** dated **20 March 2019**.

This mark has been registered as of 29 June 2018.

**EVER ONWARDS**



Dated this day **18 February 2019.**

*Gerard Russell*

**Controller of Patents, Designs and Trade Marks**

**Registered Trade Mark No. 259675**

- Class 9.** Apparatus for recording, transmission or reproduction of sounds, images or data; recorded and/or downloadable computer software, computer programmes, computer applications and mobile applications; data collection and storage apparatus and devices; data processing systems; data encryption apparatus; computer databases; electronic databases; electronic directories; downloadable electronic publications; parts and fittings for all of the aforesaid goods.
- Class 16.** Printed matter; printed publications; printed reports; pamphlets; brochures; periodicals; magazines; newsletters; books; educational publications; graphic reproductions and representations; stationery; notebooks; instructional and teaching materials (other than apparatus).
- Class 35.** Advertising; business management; business administration; business consulting and advisory services; office functions; business risk assessment services; business risk management services; computerised



data management; computerised data verification; data processing verification; compilation of statistics; analysis of market research data and statistics; preparation and compilation of business and commercial reports and information; employment placement services; marketing and promotional services.

**Class 36.** Insurance; insurance services; insurance underwriting services; insurance consultation; insurance agency services; insurance brokerage; insurance information; insurance subrogation; loss adjusting services in the field of insurance; insurance claims services, namely, assessing insurance claims, insurance claims administration and insurance claims processing; insurance actuarial services; risk management services; monetary affairs; financial affairs; financial evaluation [insurance]; providing insurance premium rate quotes via online, telephone and mail means; consultancy, advisory and information services relating to any of the aforesaid services.

**Class 41.** Education; providing of training; business training; training for personnel, team and organisational development; arranging and conducting of classes, courses, training programmes, tuition, events, conferences, workshops, seminars, lectures, talks and presentations; entertainment; sporting and cultural activities; publishing services; online publication of publications, reports, pamphlets, brochures, periodicals, magazines, newsletters, books and educational publications; consultancy, advisory

and information services relating to any of the aforesaid services.

**Class 42.** Design, development, programming, installation, maintenance and updating of computer software relating to insurance, financial affairs, security processes and procedures, cyber security, computer security, network security, application security, data security, and information security; data security services; creating and maintaining bespoke technology platforms and websites; providing temporary use of non-downloadable software for database management; providing temporary use of non-downloadable software for analysing data and generating reports; operation of search engines; providing on-line support services for computer software users; computer security system monitoring; computer security services for protection against illegal network access; hosting platforms on the Internet; programming of software for information platforms on the Internet; application service provider (ASP) services; software as a service [SaaS]; platform as a service [PaaS]; consultancy, advisory and information services relating to any of the aforesaid services.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiscox Connect Limited

Mark: EVER ONWARDS

Ser. No.: 88070094

App. Date: August 08, 2018

**STATEMENTS**

The signatory believes as follows:

- 1) The applicant is entitled to use the above-captioned trademark ("Mark") in commerce;
- 2) The applicant has a bona fide intention and had a bona fide intention, as of the application filing date, to use or use through the applicant's related company or licensee the Mark in commerce on or in connection with the goods and/or services in the application;
- 3) To the best of the signatory's knowledge and belief, no other person has the right to use the Mark in commerce or anywhere, either in an identical form or in such near resemblance as to be likely, when used on or in connection with the goods and/or services of such other person, to cause confusion or mistake, or to deceive; and
- 4) To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**DECLARATION**

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his or her own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 11/04/2019

**Hiscox Connect Limited**

BY: L Hall.

Print Name: LORI-LEE HALL

Title: COMPANY SECRETARY

# **EXHIBIT D**



## America's #1 Online Small Business Insurance

First choose your state then profession

\* State

\* Profession

**Get a Quote**

[Return to Saved Quote >](#)

America's #1 Online Small Business Insurer with 100+ Years Insuring Businesses

Get a Policy in Minutes

Direct Contact with Licensed Advisors



Feefo Reviews: Hiscox rated 4.7 out of 5 with 12,232 reviews between 10-25-11 and 10-17-18.

## We've Got Your Business Covered

Starting and running a business takes courage. At Hiscox, we encourage courage by providing insurance to small businesses that is tailored to your industry, so you get everything you need and nothing you don't.



### Great Value

Customized coverage based on your state and professions starts from just \$30 a month.



### Fast and Simple

Quote and buy in minutes either online or over the phone with a licensed agent to receive immediate coverage.



### Tailored Coverage

Don't pay for coverage you don't need. We tailor our policies to the specific risk you face.



### Electronic Policy Documents

Your certificate of insurance and policy documents are emailed to you immediately.

Quote online or call a licensed insurance agent

**Get a Quote**

**1-855-995-0854**

## We encourage courage

Small business insurance coverage protects your business from claims and lawsuits and helps you to plan for the unexpected. Our policies can keep you in business by covering the costs of a suit, including defense and business interruption costs, as well as any settlement or judgment. The right policy can even protect your small business from the costs associated with a data breach, terror attack or employee theft. By taking the important step to protect your business, you will have the courage to take the right risks to **help your business grow.**

## Small Business Resource Center

Hiscox provides tips and tools to help your small business succeed.

[Go to Resource Center](#)

# **EXHIBIT E**

**To:** Ever Onward Inc. ([docketing@vividip.com](mailto:docketing@vividip.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 88110524 - EVER ONWARD - N/A  
**Sent:** 5/17/2019 3:44:53 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)  
[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)  
[Attachment - 14](#)  
[Attachment - 15](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION  
SERIAL NO.** 88110524

**MARK:** EVER  
ONWARD

**\*88110524\***

**CORRESPONDENT**

**ADDRESS:**

MARCY L. SPERRY  
SPERRY IP LAW  
LLC dba Vivid IP  
3 ALLIANCE  
CENTER, 21ST FLOOR  
3550 LENOX RD. NE  
ATLANTA GA 30326

**APPLICANT:** Ever  
Onward Inc.

**GENERAL TRADEMARK  
INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

N/A

**CORRESPONDENT E-  
MAIL ADDRESS:**

[docketing@vividip.com](mailto:docketing@vividip.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 5/17/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 88070094, 88070107, and 88070137

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

Michael Larkey  
/Michael Larkey/  
Trademark Examining Attorney  
Law Office 116  
(571) 270-5492  
[michael.larkey@uspto.gov](mailto:michael.larkey@uspto.gov)

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Ever Onward Inc. ([docteting@vividip.com](mailto:docteting@vividip.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 88110524 - EVER ONWARD - N/A  
**Sent:** 5/17/2019 3:44:55 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **5/17/2019** FOR U.S. APPLICATION SERIAL NO.88110524

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).



# **EXHIBIT F**



June 19, 2019

**Via U.S. Mail and E-mail** ([wwright@ipcounselors.com](mailto:wwright@ipcounselors.com))

William C. Wright, Esq.  
Epstein Drangel, LLP  
One Grand Central Place  
60 East 42<sup>nd</sup> Street, Suite 2520  
New York, NY 10165

**Re: Limitation to Services Request**

Dear Mr. Wright,

This firm represents Ever Onward, Inc. (“Ever Onward”) in its U.S. trademark matters. Since at least as early as 2017, Ever Onward has used Navy SEAL principles to educate leaders and call them to action in order to achieve the highest levels of performance. This unique educative experience provides innovative products and services to help teams and individuals live and perform at higher levels. Ever Onward is the owner of U.S. Trademark Application No. 88/110,524 for the mark EVER ONWARD (“EVER ONWARD Mark”), which is used in connection with educational and entertainment services, namely conducting and hosting conferences, classes, training seminars, public speaking engagements, and live training events and webcasts in the field of leadership development, and related educational services (the “Ever Onward Services”). Ever Onward has been proving the Ever Onward Services in interstate commerce in the U.S. since at least as early as 2017 (the “Priority Date”). Through Ever Onward’s widespread and continuous use of the EVER ONWARD Mark in connection with the Services, the EVER ONWARD Mark has acquired a strong reputation and tremendous goodwill.

My client recently learned that your client Hiscox Connect Limited, Ltd (“Hiscox Connect”) is the owner of U.S. Trademark Application Nos. 88/070094 for EVER ONWARDS, 88/070107 for HISCOX EVER ONWARDS, and 88/070137 for HISCOX EVER ONWARDS & DESIGN (the “Hiscox Marks”). Based on precursory online research, we understand that Hiscox Connect offers personal and commercial insurance products and services. As expected, the majority of the classes for the applications for the Hiscox Marks cover various insurance related products and services.



However, one of the classes of services in your client's applications was outside the scope of Hiscox Connect's core services. Specifically, your client has also applied to register the Hiscox Marks for educational and business training services in Class 41 (the "Class 41 Services"). Given the overlap of Class 41 and the similarities in the parties' marks, the Examining Attorney assigned to my client's EVER ONWARD trademark application has issued a suspension based on a potential likelihood of confusion with your client's applications for the Hiscox Marks.

While my client has clear priority over your client, my client is interested in amicably resolving this matter if possible. To that end, in order to avoid any marketplace confusion in connection with the use of the parties' marks, we ask that you client delete Class 41 from its application by July 2, 2019 and agree not to use the Hiscox Marks in connection with educational and leadership training services. If Hiscox Connect complies with this request, our client will consider this matter satisfactorily resolved.

We request that you provide a written response of Hiscox Connect's intended compliance with this request by June 26, 2019. If we do not receive a response by that time, we will assume that Hiscox Connect does not intend to comply with our request and we will advise our client to take appropriate legal action.

This letter is written without waiver of or prejudice to our client's rights, defenses, or remedies, all of which are expressly reserved.

We look forward to your timely reply.

Very truly yours,  
Vivid IP

Marcy L. Sperry