

ESTTA Tracking number: **ESTTA1098453**

Filing date: **11/30/2020**

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	Health Alliance Plan of Michigan
Granted to Date of previous extension	11/29/2020
Address	1 FORD PLACE SUITE 4B DETROIT, MI 48202-3450 UNITED STATES
Attorney information	MOLLY MACK CRANDALL BROOKS KUSHMAN P.C. 1000 TOWN CTR FL 22ND SOUTHFIELD, MI 48075-1242 UNITED STATES Primary Email: mcrandall@brookskushman.com Secondary Email(s): rcantor@brookskushman.com, ejbrooks@brookskushman.com 2483584400
Docket Number	HFHS0203OC

Applicant Information

Application No.	88802489	Publication date	06/02/2020
Opposition Filing Date	11/30/2020	Opposition Period Ends	11/29/2020
Applicant	Strategic Biosciences, LLC 5125 OVERTON RD NASHVILLE, TN 37220 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Diagnostic kits consisting primarily of probes, buffers and reagents for use in microbial testing
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical diagnostic testing, monitoring and reporting services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons,	Trademark Act Section 2(a)

living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3315932	Application Date	12/21/2006
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	HAP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1979/02/01 First Use In Commerce: 1979/02/01 Insurance underwriting in the field of health; administration of health care plans Class 044. First use: First Use: 1979/02/01 First Use In Commerce: 1979/02/01 Health care in the nature of health maintenance organizations		

U.S. Registration No.	3322635	Application Date	12/21/2006
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	HAP		
Design Mark			
Description of Mark	The mark consists of white letters inside an orange oval.		
Goods/Services	Class 036. First use: First Use: 1979/02/01 First Use In Commerce: 1979/02/01 Insurance underwriting in the field of health; administration of health care plans Class 044. First use: First Use: 1979/02/01 First Use In Commerce: 1979/02/01 Health care in the nature of health maintenance organizations		

U.S. Registration No.	3409974	Application Date	01/11/2007
Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	HAP PREFERRED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/11/00 First Use In Commerce: 2001/11/00 Health care cost containment		

U.S. Registration No.	3130855	Application Date	08/25/2004
Registration Date	08/15/2006	Foreign Priority Date	NONE
Word Mark	HAP WEIGHT WISE PROGRAM		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 2004/08/31 First Use In Commerce: 2004/08/31 Promoting public awareness of the need for nutrition and exercise Class 041. First use: First Use: 2004/08/31 First Use In Commerce: 2004/08/31 Educational services, namely, conducting seminars in the field of nutrition and exercise and distributing course materials in connection therewith

U.S. Registration No.	4556962	Application Date	03/08/2013
Registration Date	06/24/2014	Foreign Priority Date	NONE
Word Mark	HAP BALANCED LIVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2013/05/20 First Use In Commerce: 2013/05/20 publications, namely, newsletters for use in connection with promoting insurance underwriting in the field of health and administration of health care plans and health care in the nature of health maintenance organizations		

U.S. Registration No.	4827476	Application Date	05/13/2013
Registration Date	10/06/2015	Foreign Priority Date	NONE
Word Mark	MY HAP WELLNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2013/03/15 First Use In Commerce: 2013/03/15 Providing an Internet website portal featuring educational courses of instruction related to health and wellness Class 044. First use: First Use: 2013/03/15 First Use In Commerce: 2013/03/15 Providing an Internet website portal featuring health and wellness information		

U.S. Registration No.	4122490	Application Date	08/04/2010
Registration Date	04/03/2012	Foreign Priority Date	NONE
Word Mark	HAP SENIOR PLUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 1995/10/00 First Use In Commerce: 1995/10/00 Healthcare services		

U.S. Registration No.	4236991	Application Date	03/15/2012
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	READY, SET, COOK! HAP		

Design Mark	
Description of Mark	The mark consists of the wording "Ready, Set, Cook!" in white on a green rectangular background outlined in fuchsia dots, with the design of a chef's hat in white and black to the left sitting on top of an orange circle, and the wording "HAP" in white in an orange oval on the hat.
Goods/Services	Class 041. First use: First Use: 2012/01/25 First Use In Commerce: 2012/01/25 educational services, namely, afterschool program to address childhood obesity by teaching children healthy eating habits and food preparation skills

U.S. Registration No.	4318194	Application Date	12/16/2011
Registration Date	04/09/2013	Foreign Priority Date	NONE
Word Mark	HAP PERSONAL ALLIANCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Insurance underwriting in the field of health; administration of health insurance plans; administration of prescription drug programs; health savings accounts; dental insurance; providing financing discounts on fitness, exercise, weight-loss, healthcare, and wellness programs Class 044. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Providing information on healthcare and wellness via the Internet		

U.S. Registration No.	4384950	Application Date	03/08/2012
Registration Date	08/13/2013	Foreign Priority Date	NONE
Word Mark	HAP HELPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2012/08/12 First Use In Commerce: 2012/08/12 Administration of pre-paid health care plans; financial administration of prescription drug plans; underwriting healthcare insurance; administration of dental insurance programs; administration of life insurance; administration of employee benefit plans concerning insurance and finance Class 044. First use: First Use: 2012/08/12 First Use In Commerce: 2012/08/12 Healthcare services		

U.S. Registration No.	4831846	Application Date	03/11/2015
Registration Date	10/13/2015	Foreign Priority Date	NONE
Word Mark	HAP ONTHEGO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/05/03 First Use In Commerce: 2012/05/03 Downloadable mobile applications for accessing health information tools		

U.S. Registration No.	6019536	Application Date	06/01/2018
Registration Date	03/24/2020	Foreign Priority Date	NONE
Word Mark	HAP PRIMARY CHOICE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2019/01/06 First Use In Commerce: 2019/01/06 Health care services offered through a network of health care providers on a contract basis		

U.S. Registration No.	6019538	Application Date	06/01/2018
Registration Date	03/24/2020	Foreign Priority Date	NONE
Word Mark	HAP EMPOWERED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2019/01/05 First Use In Commerce: 2019/01/05 Health care services offered through a network of health care providers on a contract basis		

U.S. Registration No.	6089188	Application Date	09/13/2019
Registration Date	06/30/2020	Foreign Priority Date	NONE
Word Mark	HAP IS HERE		
Design Mark			
Description of Mark	The mark consists of a rectangular conversation box containing the stylized words "HAP IS HERE" in capital letters. The word "HAP" is listed on the first line inside the box and the words "IS HERE" are listed on the second line inside the box.		
Goods/Services	Class 036. First use: First Use: 2019/09/03 First Use In Commerce: 2019/09/03 Insurance underwriting in the field of health; administration of health care plans Class 044. First use: First Use: 2019/09/03 First Use In Commerce: 2019/09/03 Health care in the nature of health maintenance organizations		

U.S. Registration No.	6192784	Application Date	09/13/2019
Registration Date	11/10/2020	Foreign Priority Date	NONE
Word Mark	HAP IS HERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2019/09/03 First Use In Commerce: 2019/09/03 Insurance underwriting in the field of health; administration of health care plans		

	Class 044. First use: First Use: 2019/09/03 First Use In Commerce: 2019/09/03 Health care in the nature of health maintenance organizations
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Attachments	<p>Notice of Opposition Against HAP2 in 88802489.pdf(116544 bytes) HAP 3315932 Trademark Electronic Search System TESS.pdf(191213 bytes) HAP - Assignment page 3315932 USPTO Assignments on the Web.pdf(152936 bytes) HAP and Design 3322635 Trademark Electronic Search System TESS.pdf(198685 bytes) HAP PREFERRED 3409974 Trademark Electronic Search System TESS.pdf(197140 bytes) HAP WEIGHT WISE PROGRAM 3130855 Trademark Electronic Search System TE SS.pdf(199944 bytes) HAP WEIGHT WISE PROGRAM - Assignment page 3130855 USPTO Assignments o n the Web.pdf(153422 bytes) HAP BALANCED LIVING 4556962 Trademark Electronic Search System TESS.p df(190722 bytes) MY HAP WELLNESS 4827476 Trademark Electronic Search System TESS.pdf(189712 bytes) HAP SENIOR PLUS 4122490 Trademark Electronic Search System TESS.pdf(193829 bytes) HAP SENIOR PLUS - Assignment page 4122490 USPTO Assignments on the We b.pdf(153186 bytes) READY SET COOK HAP and Design 4236991 Trademark Electronic Search Sys tem TESS.pdf(195191 bytes) HAP PERSONAL ALLIANCE 4318194 Trademark Electronic Search System TESS .pdf(193057 bytes) HAP HELPS 4384950 Trademark Electronic Search System TESS.pdf(195829 bytes) HAP ONTHEGO 4831846 Trademark Electronic Search System TESS.pdf(187667 bytes) HAP PRIMARY CHOICE 6019536 Trademark Electronic Search System TESS.pd f(188263 bytes) HAP EMPOWERED 6019538 Trademark Electronic Search System TESS.pdf(188787 bytes) HAP IS HERE 6192784 Trademark Electronic Search System TESS.pdf(190538 bytes) HAP IS HERE and Design 6089188 Trademark Electronic Search System TES S.pdf(191476 bytes) HAP2 Publication Confirmation 88802489.pdf(8423 bytes)</p>
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Signature	/molly crandall/
Name	MOLLY MACK CRANDALL
Date	11/30/2020

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

In re Trademark Application Serial No. 88802489
Filed: February 19, 2020
Published for Opposition: June 2, 2020
Trademark: HAP2

HEALTH ALLIANCE PLAN)	
OF MICHIGAN)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
STRATEGIC BIOSCIENCES, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

VIA ELECTRONIC FILING
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir/Madam:

Health Alliance Plan of Michigan ("Opposer" and/or "HAP"), a Michigan non-profit corporation with a place of business at 1 Ford Place, Suite 4B, Detroit, Michigan 48202-3450 (previously located at 2850 West Grand Boulevard, Detroit, Michigan 48202), believes that it is and will continue to be damaged by the Applicant's registration of the mark HAP2 for goods and services in Classes 10 and 44 as set forth in the "intent-to-use" trademark application shown in U.S. Serial No. 88802489 in the name of Strategic Biosciences, LLC ("Applicant"), a limited liability company

organized in the US Virgin Islands with an address of 5125 Overton Road, Nashville, Tennessee 37220, and hereby opposes registration of this mark.

There is no attorney of record identified for the opposed application. The correspondence address and email are:

Strategic Biosciences, LLC
5125 Overton Rd
Nashville, Tennessee 37220
Phone: 615-504-4369
Email: vigerustPHD@gmail.com

David J. Vigerust Ph.D, CEO

As grounds for opposition, Opposer HAP alleges as follows:

1. Applicant owns a pending federal trademark application for the mark HAP2, based on "intent-to-use," for the following goods and services:

Class 10:
Diagnostic kits consisting primarily of probes, buffers and reagents for use in microbial testing

Class 44:
Medical diagnostic testing, monitoring and reporting services

This is evidenced by the publication of the mark in the *Official Gazette* on June 2, 2020. A printout from the *Trademark Official Gazette* showing the publication of the mark for opposition is attached with this filing. This Application Serial No. 88802489 was filed on February 19, 2020, based on an intent-to-use under Section 1(b) of the Trademark Act.

2. The Opposer, HAP, is a non-profit corporation that broadly provides health and wellness-related goods and services to individuals, companies, and organizations. In addition to

providing health plans, HAP offers consumers healthcare services as well as a variety of health care-related programs and services, including downloadable applications and non-downloadable internet tools for accessing health information, education, and instruction, community outreach and health care educational and assistance programs, health and fitness classes and activities, wellness programs to inspire healthy eating and physical activity, weight management programs, and a digital wellness manager, and other health care support and educational services and programs.

3. Opposer has used the mark HAP in connection with its services since at least as early as February 1979, and has used the mark continuously and extensively in connection with these services.

4. Opposer is the owner of US Trademark Registration Number 3315932 for the mark HAP for use in connection with "insurance underwriting in the field of health; administration of health care plans" in Class 36 and "health care in the nature of health maintenance organizations" in Class 44. This registration was filed on December 21, 2006, registered on October 23, 2007, claims a first use in commerce date of February 1, 1979, and is valid and subsisting, incontestable, uncanceled and unrevoked.

5. Opposer is the owner of US Trademark Registration Number 3322635 for the mark HAP & Design for use in connection with "insurance underwriting in the field of health; administration of health care plans" in Class 36 and "health care in the nature of health maintenance organizations" in Class 44. This registration was filed on December 21, 2006, registered on October 30, 2007, claims a first use in commerce date of February 1, 1979, and is valid and subsisting, incontestable, uncanceled and unrevoked.

6. Opposer is the owner of US Trademark Registration Number 3409974 for the mark HAP PREFERRED for use in connection with "health care cost containment" in Class 35. This registration was filed on January 11, 2007, registered on April 8, 2008, claims a first use in commerce date of November 2001, and is valid and subsisting, incontestable, uncancelled and unrevoked.

7. Opposer is the owner of US Trademark Registration Number 3130855 for the mark HAP WEIGHT WISE PROGRAM for use in connection with "promoting public awareness of the need for nutrition and exercise" in Class 35 and "educational services, namely, conducting seminars in the field of nutrition and exercise and distributing course materials in connection therewith" in Class 41. This registration was filed on August 24, 2004, registered on August 15, 2006, claims a first use in commerce date of August 31, 2004, and is valid and subsisting, incontestable, uncancelled and unrevoked.

8. Opposer is the owner of US Trademark Registration Number 4556962 for the mark HAP BALANCED LIVING for use in connection with "publications, namely, newsletters for use in connection with promoting insurance underwriting in the field of health and administration of health care plans and health care in the nature of health maintenance organizations" in Class 16. This registration was filed on March 8, 2013, registered on June 24, 2014, claims a first use in commerce date of May 20, 2013, and is valid and subsisting, uncancelled and unrevoked.

9. Opposer is the owner of US Trademark Registration Number 4827476 for the mark MY HAP WELLNESS for use in connection with "providing an Internet website portal featuring educational courses of instruction related to health and wellness" in Class 41 and

"providing an Internet website portal featuring health and wellness information" in Class 44. This registration was filed on May 13, 2013, registered on October 6, 2015, claims a first use in commerce date of March 15, 2013, and is valid and subsisting, uncanceled and unrevoked.

10. Opposer is the owner of US Trademark Registration Number 4122490 for the mark HAP SENIOR PLUS for use in connection with "healthcare services" in Class 44. This registration was filed on August 4, 2010, registered on April 3, 2012, claims a first use in commerce date of October 1995, and is valid and subsisting, incontestable, uncanceled and unrevoked.

11. Opposer is the owner of US Trademark Registration Number 4236991 for the mark READY, SET, COOK! HAP & Design for use in connection with "educational services, namely, afterschool program to address childhood obesity by teaching children healthy eating habits and food preparation skills" in Class 41. This registration was filed on March 15, 2012, registered on November 6, 2012, claims a first use in commerce date of January 25, 2012, and is valid and subsisting, incontestable, uncanceled and unrevoked.

12. Opposer is the owner of US Trademark Registration Number 4318194 for the mark HAP PERSONAL ALLIANCE for use in connection with "insurance underwriting in the field of health; administration of health insurance plans; administration of prescription drug programs; health savings accounts; dental insurance; providing financing discounts on fitness, exercise, weight-loss, healthcare, and wellness programs" in Class 36 and "providing information on healthcare and wellness via the Internet" in Class 44. This registration was filed on December 16, 2011, registered on April 9, 2013, claims a first use in commerce date of March 31, 2012, and is valid and subsisting, incontestable, uncanceled and unrevoked.

13. Opposer is the owner of US Trademark Registration Number 4384950 for the mark HAP HELPS for use in connection with "administration of pre-paid health care plans; financial administration of prescription drug plans; underwriting healthcare insurance; administration of dental insurance programs; administration of life insurance; administration of employee benefit plans concerning insurance and finance" in Class 36 and "healthcare services" in Class 44. This registration was filed on March 8, 2012, registered on August 13, 2013, claims a first use in commerce date of August 12, 2012, and is valid and subsisting, incontestable, uncancelled and unrevoked.

14. Opposer is the owner of US Trademark Registration Number 4831846 for the mark HAP OnTheGo for use in connection with "downloadable mobile applications for accessing health information tools" in Class 9. This registration was filed on March 11, 2015, registered on October 13, 2015, claims a first use in commerce date of May 3, 2012, and is valid and subsisting, uncancelled and unrevoked.

15. Opposer is the owner of US Trademark Registration Number 6019536 for the mark HAP PRIMARY CHOICE for use in connection with "Health care services offered through a network of health care providers on a contract basis" in Class 44. This registration was filed on June 1, 2018, registered on March 24, 2020, claims a first use in commerce date of January 6, 2019, and is valid and subsisting, uncancelled and unrevoked.

16. Opposer is the owner of US Trademark Registration Number 6019538 for the mark HAP EMPOWERED for use in connection with "Health care services offered through a network of health care providers on a contract basis" in Class 44. This registration was filed on June

1, 2018, registered on March 24, 2020, claims a first use in commerce date of January 5, 2019, and is valid and subsisting, uncancelled and unrevoked.

17. Opposer is the owner of US Trademark Registration Number 6089188 for the mark HAP IS HERE & Design for use in connection with "Insurance underwriting in the field of health; administration of health care plans" in Class 36 and "Health care in the nature of health maintenance organizations" in Class 44. This registration was filed on September 13, 2019, registered on June 30, 2020, claims a first use in commerce date of September 3, 2019, and is valid and subsisting, uncancelled and unrevoked.

18. Opposer is the owner of US Trademark Registration Number 6192784 for the mark HAP IS HERE for use in connection with "Insurance underwriting in the field of health; administration of health care plans" in Class 36 and "Health care in the nature of health maintenance organizations" in Class 44. This registration was filed on September 13, 2019, registered on November 10, 2020, claims a first use in commerce date of September 3, 2019, and is valid and subsisting, uncancelled and unrevoked.

19. Printouts from the USPTO Trademark Electronic Search System showing the current status and title of these 15 registrations are attached with this filing pursuant to 37 C.F.R. §2.122(d)(1) and incorporated herein by reference.

20. Opposer's HAP and HAP-formative registrations described in paragraphs 4 through 19 are hereinafter referred to as "Opposer's HAP and HAP-Formative Marks."

21. Opposer's HAP and HAP-Formative Marks constitute prima facie evidence of the validity of Opposer's HAP and HAP-formative Marks, of HAP's ownership of and exclusive right to use its HAP marks in commerce, and provides constructive notice of HAP's rights.

22. Opposer's HAP and HAP-Formative Marks are strong and well-known and represent considerable goodwill to Opposer.

23. The Opposer HAP has expended considerable effort and expense in promoting Opposer's HAP and HAP-formative Marks and the goods and services associated with its name HAP, with the result that the purchasing public has come to know and recognize the goods and services of the Opposer by the name HAP.

24. Opposer's use of HAP in connection with its services was well known, and well known to Applicant prior to Applicant filing the subject application.

25. There is no issue as to priority. Opposer has used its mark HAP in connection with its goods and services for over 40 years, since at least as early as February 1979, and Opposer's HAP and HAP-Formative Marks were first used and filed prior to the Applicant's filing date of its application.

26. Applicant has at least constructive knowledge of HAP's trademark rights based on Opposer's HAP and HAP-Formative Marks.

27. Applicant's mark HAP2 is identical or virtually identical in appearance, sound, connotation, and commercial impression to Opposer's HAP Marks and to the dominant element of Opposer's HAP-Formative Marks, Applicant's mark HAP2 encompasses the entirety of Opposer's

HAP marks, and both parties' marks are designated for use in connection with health care-related goods and services.

28. Opposer has a family of trademarks with the recognizable common term HAP for health and wellness-related goods and services provided to individuals, companies, and organizations, including downloadable applications and non-downloadable internet tools for accessing health information, education, and instruction, community outreach and health care educational and assistance programs, health and fitness classes and activities, wellness programs to inspire healthy eating and physical activity, weight management programs, and a digital wellness manager, and other health care support and educational services and programs, such that the public associates marks containing the common term HAP with the Opposer.

29. The Applicant's mark HAP2 contains the identical term HAP as the Opposer's family of HAP marks and it encompasses the entirety of Opposer's HAP Mark.

30. The Applicant's applied-for services are the same as and/or closely related to, the goods and services covered by Opposer's HAP and HAP-Formative Marks. The services are likely to be marketed to the same consumers and/or travel in the same channels of trade.

31. The Applicant's HAP2 mark is identical/virtually identical to and so resembles the previously-used and registered Opposer's HAP and HAP-Formative Marks as to be likely, when used in connection with the Applicant's goods and services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § Sec. 1052(d).

32. Since Applicant's mark and goods and services as described in the application are the same as and/or closely related to the Opposer's HAP and HAP-Formative Marks and

goods/services, confusion and deception as to the origin of the Applicant's services bearing the mark would occur, all to the damage and detriment of the Opposer. Such use would cause confusion in the trade resulting in damage and injury to the Opposer.

33. The Applicant's use and registration of the mark HAP2 in connection with its designated goods and services, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's goods and services by the Opposer.

34. If the application is not refused registration, the Applicant would obtain at least a *prima facie* exclusive right to use the HAP2 mark in connection with the designated goods and services. Such registration is a source of injury and damage to the Opposer.

35. The public has come to recognize the HAP mark as uniquely and unmistakably pointing to Opposer's identity or persona.

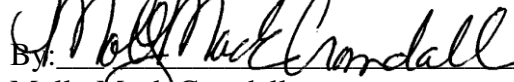
36. Applicant's HAP2 mark is a close approximation of Opposer's identity or persona, such that when Applicant's mark is used in connection with its applied-for goods and services, a connection with Opposer would be assumed.

37. The Applicant's mark consists of matter which falsely suggests a connection with Opposer HAP under Section 2(a) of the Lanham Act, as amended, 15 U.S.C. § Sec. 1052(a).

38. For the foregoing reasons, Opposer HAP will be damaged by the registration of the Applicant's HAP2 mark.

WHEREFORE, the Opposer Health Alliance Plan of Michigan (HAP), prays that U.S. Serial No. 88802489 for the mark HAP2 be rejected, denied, and refused.

Respectfully submitted,

By: 

Molly Mack Crandall

Rebecca Cantor

Attorneys for Opposer

Date: November 30, 2020

BROOKS KUSHMAN P.C.

1000 Town Center, 22nd Floor

Southfield, MI 48075

Phone: 248-358-4400

Fax: 248-358-3351

Our File: HFHS0203OC



Trademarks > Trademark Electronic Search System (TESS)

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HAP

Word Mark HAP

Goods and Services IC 036. US 100 101 102. G & S: Insurance underwriting in the field of health; administration of health care plans. FIRST USE: 19790201. FIRST USE IN COMMERCE: 19790201

IC 044. US 100 101. G & S: Health care in the nature of health maintenance organizations. FIRST USE: 19790201. FIRST USE IN COMMERCE: 19790201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code LETTER-3-OR-MORE HAP Combination of three or more letters as part of the mark

Serial Number 77069033

Filing Date December 21, 2006

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 7, 2007

Registration Number 3315932

Registration Date October 23, 2007

Owner (REGISTRANT) Health Alliance Plan of Michigan CORPORATION MICHIGAN 2850 West Grand Blvd. Detroit MICHIGAN 482022636

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Shanna R. Reed

Prior Registrations 2083172;3130855

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20170912.

Renewal 1ST RENEWAL 20170912

Live/Dead Indicator LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [77069033](#)**Filing Dt:** 12/21/2006**Reg #:** [3315932](#)**Reg. Dt:** 10/23/2007**Registrant:** Health Alliance Plan of Michigan**Mark:** HAP**Assignment: 1****Reel/Frame:** [5070/0458](#)**Recorded:** 07/15/2013**Pages:** 11**Conveyance:** RESTATED ARTICLES OF INCORPORATION**Assignor:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)**Exec Dt:** 04/15/2009**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Entity Type:** NON-PROFIT CORPORATION**Citizenship:** MICHIGAN**Assignee:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)

2850 WEST GRAND BOULEVARD

DETROIT, MICHIGAN 48202

Correspondent: LISABETH H. COAKLEY

5445 CORPORATE DRIVE, SUITE 200

TROY, MI 48098

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Web interface last modified: August 25, 2017 v.2.6

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Start List At: [] OR Jump to record: [] Record 14 out of 15

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



Word Mark HAP

Goods and Services IC 036. US 100 101 102. G & S: Insurance underwriting in the field of health; administration of health care plans. FIRST USE: 19790201. FIRST USE IN COMMERCE: 19790201

IC 044. US 100 101. G & S: Health care in the nature of health maintenance organizations. FIRST USE: 19790201. FIRST USE IN COMMERCE: 19790201

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.26 - Oblongs as carriers for words, letters or designs

Trademark Search LETTER-3-OR-MORE HAP Combination of three or more letters as part of the mark

Facility Classification Code SHAPES-COLORS-2 Design listing or lined for two colors
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

Serial Number 77069034

Filing Date December 21, 2006

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 14, 2007

Registration Number 3322635

Registration Date October 30, 2007

Owner (REGISTRANT) Health Alliance Plan of Michigan CORPORATION MICHIGAN 2850 West Grand Blvd. Detroit MICHIGAN 482022636
(LAST LISTED OWNER) HEALTH ALLIANCE PLAN OF MICHIGAN NON-PROFIT CORPORATION MICHIGAN 2850 West Grand Blvd. Detroit MICHIGAN 482022636

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Shanna R. Reed

Prior Registrations 2083172;3130855

Description of Mark The color(s) white and orange is/are claimed as a feature of the mark. The mark consists of white letters inside an orange oval.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20171004.

Renewal 1ST RENEWAL 20171004

Live/Dead Indicator LIVE

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HAP PREFERRED

Word Mark	HAP PREFERRED
Goods and Services	IC 035. US 100 101 102. G & S: Health care cost containment. FIRST USE: 20011100. FIRST USE IN COMMERCE: 20011100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETTER-3-OR-MORE HAP Combination of three or more letters as part of the mark
Serial Number	77080538
Filing Date	January 11, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 21, 2007
Registration Number	3409974
Registration Date	April 8, 2008
Owner	(REGISTRANT) Health Alliance Plan of Michigan CORPORATION MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202 (LAST LISTED OWNER) Health Alliance Plan of Michigan non-profit corporation MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Shanna R. Reed
Prior Registrations	2083172;3130855
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREFERRED" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180416.
Renewal	1ST RENEWAL 20180416
Live/Dead Indicator	LIVE

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TESS was last updated on Sun Nov 29 04:07:22 EST 2020

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

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List At: OR to record: **Record 12 out of 15**

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

HAP WEIGHT WISE PROGRAM

Word Mark HAP WEIGHT WISE PROGRAM
Goods and Services IC 035. US 100 101 102. G & S: Promoting public awareness of the need for nutrition and exercise. FIRST USE: 20040831. FIRST USE IN COMMERCE: 20040831

IC 041. US 100 101 107. G & S: Educational services, namely, conducting seminars in the field of nutrition and exercise and distributing course materials in connection therewith. FIRST USE: 20040831. FIRST USE IN COMMERCE: 20040831

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78473376

Filing Date August 25, 2004

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 13, 2005

Registration Number 3130855

Registration Date August 15, 2006

Owner (REGISTRANT) Health Alliance Plan of Michigan CORPORATION MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Shanna R. Reed

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PROGRAM" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160928.

Renewal 1ST RENEWAL 20160928

Live/Dead Indicator LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [78473376](#)**Filing Dt:** 08/25/2004**Reg #:** [3130855](#)**Reg. Dt:** 08/15/2006**Registrant:** Health Alliance Plan of Michigan**Mark:** HAP WEIGHT WISE PROGRAM**Assignment: 1****Reel/Frame:** [5070/0458](#)**Recorded:** 07/15/2013**Pages:** 11**Conveyance:** RESTATED ARTICLES OF INCORPORATION**Assignor:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)**Exec Dt:** 04/15/2009**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Entity Type:** NON-PROFIT CORPORATION**Citizenship:** MICHIGAN**Assignee:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)

2850 WEST GRAND BOULEVARD

DETROIT, MICHIGAN 48202

Correspondent: LISABETH H. COAKLEY

5445 CORPORATE DRIVE, SUITE 200

TROY, MI 48098

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Search Results as of: 11/29/2020 04:22 PM

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TESS was last updated on Sun Nov 29 04:07:22 EST 2020

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List At: OR to record: **Record 11 out of 15**

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

HAP BALANCED LIVING

Word Mark HAP BALANCED LIVING

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: publications, namely, newsletters for use in connection with promoting insurance underwriting in the field of health and administration of health care plans and health care in the nature of health maintenance organizations. FIRST USE: 20130520. FIRST USE IN COMMERCE: 20130520

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85871173

Filing Date March 8, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 27, 2013

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 4556962

Registration Date June 24, 2014

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202

Attorney of Record Shanna R. Reed

Prior Registrations 3315932;3322635;3409974

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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TESS was last updated on Sun Nov 29 04:07:22 EST 2020

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List At: OR to record: **Record 10 out of 15**

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

MY HAP WELLNESS

Word Mark MY HAP WELLNESS

Goods and Services IC 041. US 100 101 107. G & S: Providing an Internet website portal featuring educational courses of instruction related to health and wellness. FIRST USE: 20130315. FIRST USE IN COMMERCE: 20130315

IC 044. US 100 101. G & S: Providing an Internet website portal featuring health and wellness information. FIRST USE: 20130315. FIRST USE IN COMMERCE: 20130315

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 85930647

Filing Date May 13, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition May 20, 2014

Registration Number 4827476

Registration Date October 6, 2015

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN 2850 W. Grand Blvd. Detroit MICHIGAN 48202

Attorney of Record Shanna R. Reed

Prior Registrations 3315932;3322635;4318194

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WELLNESS" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Start List At: OR Jump to record: **Record 9 out of 15**

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

HAP SENIOR PLUS

Word Mark	HAP SENIOR PLUS
Goods and Services	IC 044. US 100 101. G & S: Healthcare services. FIRST USE: 19951000. FIRST USE IN COMMERCE: 19951000
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85100141
Filing Date	August 4, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 18, 2011
Registration Number	4122490
Registration Date	April 3, 2012
Owner	(REGISTRANT) Health Alliance Plan of Michigan CORPORATION MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Shanna R. Reed
Prior Registrations	3315932;3322635;3409974;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SENIOR" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [85100141](#)**Filing Dt:** 08/04/2010**Reg #:** [4122490](#)**Reg. Dt:** 04/03/2012**Registrant:** Health Alliance Plan of Michigan**Mark:** HAP SENIOR PLUS**Assignment: 1****Reel/Frame:** [5070/0458](#)**Recorded:** 07/15/2013**Pages:** 11**Conveyance:** RESTATED ARTICLES OF INCORPORATION**Assignor:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)**Exec Dt:** 04/15/2009**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Entity Type:** NON-PROFIT CORPORATION**Citizenship:** MICHIGAN**Assignee:** [HEALTH ALLIANCE PLAN OF MICHIGAN](#)

2850 WEST GRAND BOULEVARD

DETROIT, MICHIGAN 48202

Correspondent: LISABETH H. COAKLEY

5445 CORPORATE DRIVE, SUITE 200

TROY, MI 48098

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TESS was last updated on Sun Nov 29 04:07:22 EST 2020

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Start List At: [] OR Jump to record: [] Record 8 out of 15

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



Word Mark READY, SET, COOK! HAP

Goods and Services IC 041. US 100 101 107. G & S: educational services, namely, afterschool program to address childhood obesity by teaching children healthy eating habits and food preparation skills. FIRST USE: 20120125. FIRST USE IN COMMERCE: 20120125

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 09.05.06 - Chef's Hat
26.01.21 - Circles that are totally or partially shaded.
26.11.05 - Rectangles made of broken or dotted lines
26.11.26 - Oblongs as carriers for words, letters or designs

Serial Number 85570552

Filing Date March 15, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 21, 2012

Registration Number 4236991

Registration Date November 6, 2012

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN 2850 West Grand Boulevard Detroit MICHIGAN 48202

Attorney of Record Shanna R. Reed

Prior Registrations 3315932;3322635

Description of Mark The color(s) green, white, black, orange and fuchsia is/are claimed as a feature of the mark. The mark consists of the wording "Ready, Set, Cook!" in white on a green rectangular background outlined in fuchsia dots, with the design of a chef's hat in white and black to the left sitting on top of an orange circle, and the wording "HAP" in white in an orange oval on the hat.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Start List At: [] OR Jump to record: [] Record 2 out of 3

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

HAP PERSONAL ALLIANCE

Word Mark HAP PERSONAL ALLIANCE

Goods and Services IC 036. US 100 101 102. G & S: Insurance underwriting in the field of health; administration of health insurance plans; administration of prescription drug programs; health savings accounts; dental insurance; providing financing discounts on fitness, exercise, weight-loss, healthcare, and wellness programs. FIRST USE: 20120331. FIRST USE IN COMMERCE: 20120331

IC 044. US 100 101. G & S: Providing information on healthcare and wellness via the Internet. FIRST USE: 20120331. FIRST USE IN COMMERCE: 20120331

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85497314

Filing Date December 16, 2011

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 19, 2012

Registration Number 4318194

Registration Date April 9, 2013

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 2850 West Grand Boulevard Detroit MICHIGAN 48202

Attorney of Record Shanna R. Reed

Prior Registrations 3315932;3322635

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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List At: OR to record: **Record 6 out of 15**

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HAP HELPS

Word Mark HAP HELPS

Goods and Services IC 036. US 100 101 102. G & S: Administration of pre-paid health care plans; financial administration of prescription drug plans; underwriting healthcare insurance; administration of dental insurance programs; administration of life insurance; administration of employee benefit plans concerning insurance and finance. FIRST USE: 20120812. FIRST USE IN COMMERCE: 20120812

IC 044. US 100 101. G & S: Healthcare services. FIRST USE: 20120812. FIRST USE IN COMMERCE: 20120812

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85564430

Filing Date March 8, 2012

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 5, 2013

Registration Number 4384950

Registration Date August 13, 2013

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN 1 Ford Place Suite 4B Detroit MICHIGAN 48202

Prior Registrations 3315932;3322635

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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List At: OR to record: **Record 5 out of 15**

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HAP OnTheGo

Word Mark	HAP ONTHEGO
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable mobile applications for accessing health information tools. FIRST USE: 20120503. FIRST USE IN COMMERCE: 20120503
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86560075
Filing Date	March 11, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 28, 2015
Registration Number	4831846
Registration Date	October 13, 2015
Owner	(REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 2850 West Grand Boulevard Detroit MICHIGAN 48202
Attorney of Record	Shanna R. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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List At: OR to record: **Record 4 out of 15**

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

HAP Primary Choice

Word Mark	HAP PRIMARY CHOICE
Goods and Services	IC 044. US 100 101. G & S: Health care services offered through a network of health care providers on a contract basis. FIRST USE: 20190106. FIRST USE IN COMMERCE: 20190106
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87944545
Filing Date	June 1, 2018
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 23, 2018
Registration Number	6019536
Registration Date	March 24, 2020
Owner	(REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 2850 W. Grand Boulevard Detroit MICHIGAN 482023450
Attorney of Record	Shanna R. Reed
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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List At: OR to record: **Record 3 out of 15**

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

HAP Empowered

Word Mark	HAP EMPOWERED
Goods and Services	IC 044. US 100 101. G & S: Health care services offered through a network of health care providers on a contract basis. FIRST USE: 20190105. FIRST USE IN COMMERCE: 20190105
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87944574
Filing Date	June 1, 2018
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 23, 2018
Registration Number	6019538
Registration Date	March 24, 2020
Owner	(REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 1 Ford Place , Suite 4B Detroit MICHIGAN 482023450
Attorney of Record	Shanna R. Reed
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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

Start List At: [] OR Jump to record: [] Record 1 out of 15

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

HAP IS HERE

Word Mark HAP IS HERE

Goods and Services IC 036. US 100 101 102. G & S: Insurance underwriting in the field of health; administration of health care plans. FIRST USE: 20190903. FIRST USE IN COMMERCE: 20190903

IC 044. US 100 101. G & S: Health care in the nature of health maintenance organizations. FIRST USE: 20190903. FIRST USE IN COMMERCE: 20190903

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 88615600

Filing Date September 13, 2019

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 25, 2020

Registration Number 6192784

Registration Date November 10, 2020

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 1 Ford Place, Suite 4B Detroit MICHIGAN 48202

Prior Registrations 3315932;3322635

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "IS HERE" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.17 - Balloons, thought or speech ; Clouds, thought or speech ; Thought or speech clouds
26.11.21 - Rectangles that are completely or partially shaded

Serial Number 88615785

Filing Date September 13, 2019

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 14, 2020

Registration Number 6089188

Registration Date June 30, 2020

Owner (REGISTRANT) Health Alliance Plan of Michigan non-profit corporation MICHIGAN Office of General Counsel 1 Ford Place, 4B Detroit MICHIGAN 48202

Prior Registrations 3315932;3322635

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a rectangular conversation box containing the stylized words "HAP IS HERE" in capital letters. The word "HAP" is listed on the first line inside the box and the words "IS HERE" are listed on the second line inside the box.

Type of Mark SERVICE MARK

Register PRINCIPAL

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International Class(es): 010, 044
Owner: Strategic Biosciences, LLC
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The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 02, 2020.

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