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May 24, 2006

HAND DELIVERED

Trademark Trial and Appeal Board
Madison East
Concourse Level, Room C55
600 Dulany Street
Alexandria, VA 22314

U.S. PATENT &
TRADEMARK OFFICE

2006 MAY 24 P 2:59

TRADEMARK FILING PROCESS
MAY 24 2006

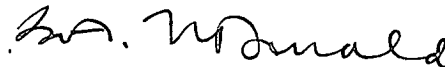
Re: *Transamerica Corporation v. General Electric Capital Corporation*,
Cancellation No. _____ (subject registration: U.S. Reg. No. 2,933,712
"TransExpress Secure" in Class 36), Our Ref. 3007650.0035

Dear Sir or Madam:

Enclosed for filing in this matter please find a Cancellation Petition against U.S. Reg. No. 2,933,712, "TransExpress Secure" in Class 36. Please debit our firm's deposit account, Acc't No. 133405, in the amount of \$300, to cover the filing fee for the Cancellation Petition.

Thank you very much.

Sincerely,



Bruce A. McDonald

BAM:me
Enclosure

cc: Transamerica Corporation (w/enc.)



05-24-2006

U.S. Patent & TMO/TM Mail RcptDt. #26

Schnader Harrison Segal & Lewis LLP
NEW YORK PENNSYLVANIA CALIFORNIA WASHINGTON, DC NEW JERSEY

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

TRANSAMERICA CORPORATION,)
)
 Petitioner,)
)
 v.)
)
 GENERAL ELECTRIC CAPITAL)
 CORPORATION,)
)
 Respondent.)

Cancellation No.:

Subject Registration
"TransExpress Secure"
 U.S. Reg. No. 2,933,712

TRADEMARK FTN PROCESS
 RECEIVED
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 UNITED STATES PATENT & TRADEMARK OFFICE


Transamerica Corporation hereby petitions for partial cancellation of United States Service Mark Registration No. 2,933,712, registered March 14, 2005, for "TransExpress Secure," specifically, cancellation in International Class 36, in respect to which the Registration recites "financial services, namely, transaction services for assisting in credit and/or debit card transactions via secure data networks over the internet" (first use 1/10/2003). Transamerica Corporation believes that it is and will be damaged by registration of "TransExpress Secure" in Class 36; that registration of "TransExpress Secure" in Class 36 is prohibited under Section 2(d) of the Federal Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1052(d); and that the registration of that mark is subject to cancellation in Class 36 under Section 14 of the Lanham Act, 15 U.S.C. § 1064, because the mark is likely to be confused with Transamerica Corporation's registration and use of service marks featuring the term "Trans" in connection with services in Class 36, including but not limited to "TransSecure," U.S. Reg. No. 2,812,729, registered February 10, 2004, for long-term health care insurance underwriting services in Class 36 (first use 10/15/2002); and "Transamerica Secure Rewards," U.S. Reg. No. 2,486,240, registered September 4, 2001, for annuity underwriting services in Class 36 (first use 2/1/2000).

In support of the above, Transamerica alleges as follows:

1. Transamerica Corporation is a financial services organization incorporated in Delaware. Transamerica Corporation was historically headquartered in the Transamerica Pyramid Building in San Francisco, CA and is now principally located at 1150 S. Olive Street, Los Angeles, CA.

2. Since 1929, Transamerica Corporation and its predecessors have owned and used a family of trademarks and service marks including the name "Transamerica" primarily in connection with financial services. These marks are covered by the following United States Trademark and Service Mark Registrations owned by Transamerica Corporation:

Mark	Reg. No.	Goods/Services
TRANSAMERICA	718,353 (7/11/1961)	Consultation and advice to others in respect to corporate management having to do with questions of policy and the coordination of corporate policies and activities, in Class 35 (first use 1/1929)
TRANSAMERICA	718,358 (7/11/1961)	Consultation and advice in respect to investment of monies of others, in Class 35 (first use 1/1929)
TRANSAMERICA	831,626 (7/4/1967)	Underwriting of insurance – namely, life, including accident and health; multiple line, including property, casualty and fidelity; and title insurance and related coverages; installment sales financing, direct consumer loans, and industrial and commercial financing, in Class 36 (first use 7/18/1959)
TRANSAMERICA	978,808 (2/12/1974)	Financial services rendered to others – namely, providing loan services to others, providing consumer credit services, insurance underwriting and investment services, in Class 35 (first use 1958)
TRANSAMERICA	1,129,244 (1/15/1980)	Business forms, house organ, corporate reports and bulletins issued periodically, and employee and corporate directories, in Class 16 (first use 3/1978)
TRANSAMERICA OCCIDENTAL LIFE	1,240,567 (5/31/1983)	Underwriting of life insurance, in Class 36 (first use 9/1/1981)


Mark	Reg. No.	Goods/Services
 TRANSAMERICA	1,635,681 (2/19/1991)	Financial consulting services; leasing services for commercial and industrial real estate, investment management and counseling services; mutual funds management sales and distribution services; providing consumer, commercial, industrial and real estate loans; insurance premium financing services; insurance underwriting services for life, disability, homeowner, title, property and casualty insurance; life and property and casualty reinsurance services; insurance agency services; surety bonding services; underwriting services for variable life insurance and variable annuity products; industrial and commercial financing services; savings account and mortgage lending services; real estate management and appraisal services; management of resort properties and management of retirement and congregate care facilities; real estate management and consultation services; accounts receivable and inventory financing services for vehicles, computers, appliances and industrial equipment, in Class 36 (first use 9/30/1989)
TRANSAMERICA	1,635,682 (2/19/1991)	Financial consulting services; leasing services for commercial and industrial real estate; investment management and counseling services; mutual funds management sales and distribution services; providing consumer, commercial, industrial and real estate loans; insurance premium financing services; insurance underwriting services for life, disability, homeowner, title, property and casualty insurance; life, and property and casualty reinsurance services; insurance agency services; surety bonding services; underwriting services for variable life insurance and variable annuity products; industrial and commercial financing services; savings account and mortgage lending services; real estate management and appraisal services; management of resort properties and management of retirement and congregate care facilities; real estate asset management and consultation services; accounts receivable and inventory financing services for vehicles, computers, appliances and industrial equipment; leasing services for commercial and industrial real estate, in Class 36 (first use 9/30/1989)
TRANSAMERICA REINSURANCE	1,869,955 (12/27/1994)	Reinsurance underwriting services in the field of life insurance, in Class 36 (first use 5/1993)

Mark	Reg. No.	Goods/Services
TRANSAMERICA TRIBUTE	2,224,207 (2/16/1999)	Life insurance underwriting services, in Class 36 (first use 1/8/1998)
TRANSAMERICA CLASSIC	2,228,202 (3/2/1999)	Annuity underwriting services, in Class 36 (first use 1/8/1998)
TRANSAMERICA BOUNTY	2,246,732 (5/18/1999)	Life insurance and annuity underwriting services, in Class 36 (first use 10/19/1998)
TRANSAMERICA PLAN MAXIMIZER	2,284,121 (10/5/1999)	Life insurance and annuity underwriting services and retirement consulting services, in Class 36 (first use 5/26/1998)
TRANSAMERICA CATALYST	2,288,612 (10/26/1999)	Life insurance and annuity underwriting services, in Class 36 (first use 3/1/1998)
TRANSAMERICA SERIES	2,301,398 (12/21/1999)	Life insurance and annuity underwriting services, in Class 36 (first use 1/8/1998)
TRANSAMERICA LINEAGE	2,320,968 (2/22/2000)	Life insurance underwriting services, in Class 36 (first use 3/4/1999)
TRANSAMERICA BENEFIT SERVICES	2,455,887 (5/29/2001)	Buying club services related to consumer products and not to industrial software or other industrial products, in Class 36 (first use 9/8/2000; first use in commerce 9/11/2000)
TRANSAMERICA PORTFOLIO PLANNER	2,456,724 (6/5/2001)	Life insurance and annuity services, in Class 36 (first use 4/15/1999)
TRANSAMERICA SECURE REWARDS	2,486,240 (9/4/2001)	Annuity underwriting services, in Class 36 (first use 2/1/2000)
TRANSAMERICA POWERSPORTS	2,487,587 (9/11/2001)	Consumer lending services, in Class 36 (first use 12/1/1999)
TRANSAMERICA GOALTENDER	2,576,647 (6/4/2002)	Mutual fund investment services and life insurance underwriting services, in Class 36 (first use 6/5/2000)
TRANSAMERICA PLAN PLUS	2,609,854 (8/20/2002)	Self-directed stock brokerage account services offered to owners of 401(k) pension accounts, in Class 36 (first use 9/30/2000)
TRANSAMERICA POLICY STARTER	2,663,133 (12/17/2002)	Life insurance underwriting services, in Class 36 (first use 2/1/2002)
TRANSAMERICA LTC PLUS	2,688,175 (2/18/2003)	Insurance underwriting and administration in the field of chronic health care, in Class 36 (first use 6/1/2001)

Mark	Reg. No.	Goods/Services
TRANSAMERICA DEALERFLEX	2,677,770 (1/23/2003)	Inventory financing services, in Class 36 (first use 2/1/2002)
TRANSAMERICA CENTER FOR RETIREMENT STUDY	3,058,524 (02/14/2006)	Public policy research and analysis of issues in the field of retirement and employee benefits, in Class 35 (first use 11/11/2002) Educational services, namely conducting forums and seminars in the field of retirement and employee benefits, in Class 41 (first use 11/11/2002)
TRANSAMERICA ELITE	2,458,663 (06/05/2001)	Life insurance underwriting and administration services, in Class 36 (first use 06/01/2000)

3. In addition to the above, Transamerica Corporation has built a family of trademarks and service marks featuring the prefix "Trans" coupled with other terms, used for financial services in Class 36. This family of "Trans" marks is covered by the following United States Trademark and Service Mark Registrations owned by Transamerica Corporation:

Mark	Reg. No.	Services
TRANSACTION (Stylized) <i>TransACTION</i>	847,767 (04/16/1968)	Underwriting of insurance, in Class 36 (first use 01/01/1967)
TRANSCENDER	1,424,244 (1/6/1987)	Life insurance underwriting services, in Class 36 (first use 11/1/1985)
TRANSEQUITY	1,487,796 (5/10/1988)	Life insurance underwriting services, in Class 36 (first use 4/7/1987)
TRANSPLUS	1,536,748 (4/25/1989)	Annuity underwriting services, in Class 36 (first use 11/1986)
TRANS-SELECT	1,650,333 (7/9/1991)	Investing the pension funds of others, in Class 36 (first use 11/17/1988)
TRANSULTRA	1,731,606 (11/10/1992)	Life insurance underwriting services, in Class 36 (first use 11/27/1991)
TransAdvantage	1,902,999 (7/4/1995)	Life insurance underwriting services, in Class 36 (first use 4/12/1994)

Mark	Reg. No.	Services
	1,934,916 (11/14/1995)	Life insurance underwriting services containing investment options for policy holders, in Class 36 (first use 4/25/1994)
TRANSSAVERS	1,982,523 (6/25/1996)	Life insurance underwriting services, in Class 36 (first use 6/30/1995)
TRANSCRIPTS	1,993,650 (8/13/1996)	Newsletter relating to real estate tax and information services, in Class 36 (first use 7/26/1993)
TRANSEND	2,118,018 (12/2/1997)	Providing information on-line via computer to plan sponsors regarding pension accounts, in Class 36 (first use 1996)
TRANSVALUE	2,218,549 (1/19/1999)	Life insurance underwriting services, in Class 36 (first use 7/2/1997)
TRANSDIRECT	2,125,499 (12/20/1997)	Providing information on-line via computer to customers regarding pension accounts, in Class 36 (first use 10/31/1996)
TRANSULTIMATE	2,223,977 (2/16/1999)	Life insurance underwriting services, in Class 36 (first use 9/24/1996)
TRANSFLEX	2,238,408 (4/13/1999)	Life insurance underwriting services, in Class 36 (first use 4/3/1994)
TRANSLIFE	2,223,978 (2/16/1999)	Life insurance underwriting services, in Class 36 (first use 9/13/1989)
TRANSTERM	2,223,979 (2/16/1999)	Life insurance underwriting services, in Class 36 (first use 7/1/1997)
TRANSMILLENIUM	2,277,415 (9/14/1998)	Life insurance underwriting services, in Class 36 (first use 11/17/1997)
TRANSMARK	2,320,945 (2/22/2000)	Underwriting services for annuity products, in Class 36 (first use 9/28/1998)
TRANSRENEWAL	2,336,606 (3/28/2000)	Annuity underwriting services, in Class 36 (first use 3/1/1998)
TRANSADVANTAGE	2,359,551 (6/20/2000)	Real estate tax payment processing services, in Class 36 (first use 6/1997)
TRANSNEWS	2,363,234 (6/27/2000)	Periodical newsletter relating to real estate tax and information services, in Class 16 (first use 10/15/1998)

TRANSGENERATIONS	2,478,336 (8/14/2001)	Life and health insurance underwriting services and/or long term care indemnity insurance underwriting providing for nursing and/or nursing home services, physical, respiratory and/or speech therapy, occupational therapy, audiological services, medical and/or social services, home care services, namely, bathing, dressing, toilet and adult day care services, nursing facility and/or assisted living care facility services, home modification services, therapeutic device rental or purchase, bed reservation services in nursing facilities and/or hospice care services, in Class 36 (first use 8/15/1998)
TRANS 8	2,492,270 (9/25/2001)	Annuity underwriting services, in Class 36 (first use 2/1/2000)
TRANSFREEDOM	2,514,570 (12/4/2001)	Annuity underwriting services, in Class 36 (first use 2/1/2000)
TRANSPLUS	2,525,199 (1/1/2002)	Life insurance underwriting services, in Class 36 (first use 5/7/2001)
TRANSMARK OPTIMUM CHOICE	2,573,656 (5/28/2002)	Annuity underwriting services, in Class 36 (first use 10/24/2000)
TRANSACT	2,648,195 (11/12/2002)	Providing marketing information to insurance brokers, agents and consumers for purposes of marketing insurance products, in Class 35 (first use 9/11/1998) Providing insurance information to insurance brokers, agents and consumers for purposes of marketing insurance products, in Class 36 (first use 9/11/1998)
TRANSACE	2,717,097 (5/20/2003)	Life insurance underwriting services, in Class 36 (first use 5/31/2001)
TRANSACE SURVIVOR	2,720,613 (6/3/2003)	Life insurance underwriting services, in Class 36 (first use 5/31/2001)
TRANSACCESS	2,743,894 (7/29/2003)	Of information by means of telephone and by global computer networks concerning retirement plan account information; and administration of defined contribution retirement plans, in Class 36 (first use 6/24/2002)
TRANSSECURE	2,812,729 (2/10/2004)	Long-term health care insurance underwriting services, in Class 36 (first use 10/15/2002)
TRANS 9	2,963,660 (6/29/2005)	Annuity underwriting services, in Class 36 (first use 4/14/2003)

TRANS 6	2,963,661 (6/28/2005)	Annuity underwriting services, in Class 36 (first use 4/14/2003)
TRANSACCUMULATOR	3,003,173 (10/4/2005)	Life insurance and annuity underwriting services, in Class 36 (first use 2/4/2002)
TRANSSHARE	2,812,735 (2/10/2004)	Life insurance underwriting services, in Class 36 (first use 1/16/2003)
TRANSSECURE	3,000,511 (9/27/2005)	Life insurance underwriting, in Class 36 (first use 09/15/2003)
TRANSSOLUTION	3,073,968 (3/28/2006)	Life insurance underwriting, in Class 36 (first use 07/10/2003)
TRANSCHOICE	3,022,835 (12/06/2005)	Health insurance underwriting services, in Class 36 (first use 03/01/2004)
TRANSMAX	1,364,880 (10/08/1985)	Insurance underwriting services, in Class 36 (first use 02/15/1985)
TRANSACCIDENT	2,900,478 (11/02/2004)	Auto insurance underwriting services, in Class 36 (first use 05/03/2003)
TRANSCONNECT	2,836,281 (04/27/2004)	Health insurance underwriting services, in Class 36 (first used 05/15/2003)
TRANS SMILE	2,761,407 (09/09/2003)	Dental insurance underwriting services, in Class 36 (first used 06/01/2002)
TRANSCARE	2,365,091 (07/04/2000)	Health insurance underwriting services and/or long term care indemnity insurance underwriting providing for nursing and/or nursing home services, physical, respiratory and/or speech therapy, occupational therapy, audiological services, medical and/or social services, home care services, namely, bathing, dressing, toilet and adult day care services, nursing facility and/or assisted living care facility services, home modification services, therapeutic device rental or purchase, bed reservation services in nursing facilities and/or hospice care services, in Class 36 (first used 12/01/1990)
TRANSCARE	1,672,078 (01/14/1992)	Health insurance underwriting services, in Class 36 (first used 12/03/1990)

<p>TRANSCARE OPTIONS</p>	<p>2,672,415 (01/07/2003)</p>	<p>Health insurance underwriting services and/or long term care indemnity insurance underwriting providing for nursing and/or nursing home services, physical respiratory and/or speech therapy, audiological services, medical and/or social services, home care services, namely, bathing, dressing, toilet, adult day care services, nursing facility and/or assisted living care facility services, home modification services, therapeutic device rental or purchase, bed reservation services in nursing facilities and/or hospice care services, in Class 36 (first used 06/01/2002)</p>
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4. Of the registrations pleaded above, all those over six years old are “incontestable” under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and thereby constitute conclusive evidence of (i) the registration of the marks, (ii) the validity of the registered marks, (iii) Transamerica Corporation’s ownership of the marks, and (iv) Transamerica Corporation’s exclusive right to use the marks in commerce in connection with the identified goods and services, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

5. Due to extensive sales and advertising for many years, the name “Transamerica” and the family of “Trans” marks pleaded above are well known to the public as a designation of origin that identifies Transamerica Corporation and its subsidiaries as the source of financial services in Class 36 offered under those marks. As a result, it is likely that members of the public who encounter Registrant’s “TransExpress Secure” mark will be confused, mistaken and deceived, and will believe, erroneously that the Registrant’s financial services offered under that mark originate with, or are sponsored, endorsed or approved by Transamerica Corporation. Consequently, the Registrant’s “TransExpress Secure” mark is subject to cancellation under Section 14 of the Lanham Act, 15 U.S.C. § 1114.

WHEREFORE, Transamerica Corporation requests the Board to sustain this Cancellation Petition.


Filing Fee

The Board is hereby authorized to debit the deposit account of the undersigned law firm, Acc't No. 133405, in the amount of \$300, to cover the filing fee for this Cancellation Petition.

Respectfully submitted,

TRANSAMERICA CORPORATION

Date: May 24, 2006

By: 
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