

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78381403
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>RESPONSE AND REQUEST FOR CONSIDERATION</u></p> <p>BOX RESPONSE NO FEE</p> <p>Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451</p> <p>Madam:</p> <p>This is responsive to the Office Action dated February 6, 2006.</p> <p style="text-align: center;"><u>Amendment to Recitation of Services</u></p> <p>Please amend the recitation of services to:</p> <p>“Insurance plan underwriting and administration services in the nature of travel cancellation insurance primarily directed toward individuals, families and/or groups living, working, and/or traveling internationally.”</p> <p style="text-align: center;"><u>2(d) Refusal</u></p> <p>The Examining Attorney has maintained the refusal of registration on grounds of likelihood of confusion in light of registration no. 2,749,626, for the mark PATRIOT MUTUAL INSURANCE COMPANY owned by Patriot Mutual Insurance Company (“PMIC”). In light of the amendment to the recitation of services above, Applicant respectfully requests the withdrawal of this objection on the grounds that PMIC has consented to Applicant’s mark.</p> <p>As provided in the Consent Agreement between Applicant and PMIC, PMIC has consented to the registration of Applicant’s “PATRIOT”-based marks. (See Consent Agreement, attached as Ex. B to Applicant’s Response submitted April 19, 2005, at ¶ 15). Applicant’s mark meets the requirements of the Consent Agreement. Specifically, the mark is not used by Applicant in connection with any operations as an insurance company (indeed – Applicant is not an insurance company); the services are directed toward individuals, families and/or groups living, working, and/or traveling internationally; and the mark is used as a brand time for a particular insurance plan (See PATRIOT T.R.I.P. brochure, attached as Ex. D to Applicant’s</p>	

Response submitted on April 19, 2005). Accordingly, Applicant requests that the refusal be withdrawn.

All requirements having been met, the Applicant respectfully requests that the application be approved for publication.

Respectfully submitted,

/s/Mary Jane Frisby

Mary Jane Frisby
BARNES & THORNBURG LLP
Attorneys for Applicant

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GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	036
DESCRIPTION	Insurance plan underwriting and administration services
FILING BASIS	Section 1(b)

GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS	036
DESCRIPTION	Insurance plan underwriting and administration services in the nature of travel cancellation insurance primarily directed toward individuals, families and/or groups living, working, and/or traveling internationally
FILING BASIS	Section 1(b)

SIGNATURE SECTION

RESPONSE SIGNATURE	/mjf/
SIGNATORY NAME	Mary Jane Frisby
SIGNATORY POSITION	Attorney for Applicant
SIGNATURE DATE	05/04/2006

FILING INFORMATION SECTION

SUBMIT DATE	Thu May 04 16:50:36 EDT 2006
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XXX-2 0060504165036963118-78381 403-3206a12362aeaca596882 a79459c4c62ad-N/A-N/A-200 60504163900012163

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78381403** has been amended as follows:

Argument(s)

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

RESPONSE AND REQUEST FOR CONSIDERATION

BOX RESPONSE NO FEE

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

Madam:

This is responsive to the Office Action dated February 6, 2006.

Amendment to Recitation of Services

Please amend the recitation of services to:

“Insurance plan underwriting and administration services in the nature of travel cancellation insurance primarily directed toward individuals, families and/or groups living, working, and/or traveling internationally.”

2(d) Refusal

The Examining Attorney has maintained the refusal of registration on grounds of likelihood of confusion in light of registration no. 2,749,626, for the mark PATRIOT MUTUAL INSURANCE COMPANY owned by Patriot Mutual Insurance Company (“PMIC”). In light of the amendment to the recitation of services above, Applicant respectfully requests the withdrawal of this objection on the grounds that PMIC has consented to Applicant’s mark.

As provided in the Consent Agreement between Applicant and PMIC, PMIC has consented to the registration of Applicant’s “PATRIOT”-based marks. (See Consent Agreement, attached as Ex. B to Applicant’s Response submitted April 19, 2005, at ¶ 15). Applicant’s mark meets the requirements of the Consent Agreement. Specifically, the mark is not used by Applicant in connection with any operations as an insurance company (indeed – Applicant is not an insurance company); the services are directed toward individuals, families and/or groups living, working, and/or traveling internationally; and the mark is used as a brand time for a particular insurance plan (See PATRIOT T.R.I.P. brochure, attached as Ex. D to Applicant’s Response submitted on April 19, 2005). Accordingly, Applicant requests that the refusal be withdrawn.

All requirements having been met, the Applicant respectfully requests that the application be approved for publication.

Respectfully submitted,

/s/Mary Jane Frisby

Mary Jane Frisby
BARNES & THORNBURG LLP
Attorneys for Applicant

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Indianapolis, Indiana 46204
317-231-7765
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Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 036 for Insurance plan underwriting and administration services

Original Filing Basis: 1(b).

Proposed: Class 036 for Insurance plan underwriting and administration services in the nature of travel cancellation insurance primarily directed toward individuals, families and/or groups living, working, and/or traveling internationally

Response Signature

Signature: /mjf/ Date: 05/04/2006

Signatory's Name: Mary Jane Frisby

Signatory's Position: Attorney for Applicant

Serial Number: 78381403

Internet Transmission Date: Thu May 04 16:50:36 EDT 2006

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