

**SERVICE MARK**

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

Applicant: The Travelers Indemnity Company	
Serial No: 77/651,978	
Filed: January 19, 2009	Law Office: 116
Mark: OCEAN EXPRESS	Trademark Attorney: Ellen Awrich
Docket No: 41/2109	

**DECLARATION OF GEORGE C. BUTLER**

1. George C. Butler declares that he is a second Vice President of Business Development for the Ocean Marine Insurance division of The Travelers Indemnity Company (hereinafter referred to as "Travelers" or "Applicant"), and is authorized to make this declaration and further declares:
2. I have more than 29 years of experience in the insurance industry. I began my insurance career with the Atlantic Mutual Companies in 1980. I became the New York Marine Manager for Home Insurance Company in 1986, and was appointed Northeast Regional Marine Manager for Atlantic Mutual in 1988. I then joined Travelers in 2003, and now serve as a second Vice President of Business Development for the Ocean Marine Insurance division. I am responsible for developing and maximizing Ocean Marine business opportunities with the Travelers agency force, which includes development and implementation of both internal and external marketing strategies to further enhance Travelers' leadership position in the Ocean Marine Insurance field. I am a member of both the National Cargo Bureau and the American Institute of Marine Underwriters.
3. Applicant Travelers offers a wide variety of property and casualty insurance and surety products and services in the United States and in selected international markets. Products are distributed primarily through independent insurance agents and brokers. Travelers is number 99 on the Fortune 500 list of the largest publicly-traded U.S. corporations, and is also one of 30 companies included in the Dow Jones Industrial Average. It reported \$21.7 billion in net written premium, \$24.5 billion in total revenue, and \$109.8 billion in total assets in 2008.
4. Directly or through its affiliates and subsidiaries, Travelers has been a provider of Ocean Marine Insurance for more than 160 years, and offers an extensive product portfolio, as well as in-house risk control, recovery, and claim expertise. It also offers a property and casualty unit dedicated to its customers' non-marine exposures.
5. Clients of Travelers' Ocean Marine Insurance division include: marinas, boat dealers and manufacturers, custom and semi-custom sportfish vessel owners, owners and operators of

commercial vessels, importers and exporters, long-range cruiser owners, commercial vessel charterers and custodians, ship builders and repairers, stevedores and wharfingers, port authorities, and luxury yacht owners.

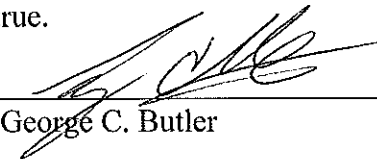
6. Travelers contracted agents may obtain quotes for ocean cargo insurance and luxury yacht insurance through Travelers' proprietary Ocean Express online system, which is not available for public use. The Ocean Express system is contained within Travelers' larger AgentHQ online system which allows Travelers agents to obtain account data, download applications, etc. In order to access the Ocean Express system, Travelers agents must first log onto the proprietary section of the AgentHQ system with a User ID and password. Only highly knowledgeable Travelers contracted agents and employees may access the Ocean Express system and the proprietary section of the AgentHQ system, which are not available for ordinary consumer use.
7. Through Ocean Express, Travelers agents can submit, quote, and bind comprehensive luxury yacht policies and Ocean Express ocean cargo policies. The Ocean Express ocean cargo policies are designed for businesses with up to \$10 million of annual international shipments.
8. Travelers' Ocean Express ocean cargo policies are expensive. Ocean Express cargo insurance premiums begin at \$1,000.00 per year, and may reach as high as \$18,939.00 per year.
9. The sales process for Ocean Express ocean cargo policies involves a highly knowledgeable sales force of insurance agents which makes individualized sales presentations to customers via telephone, e-mail, and/or in-person. The presentations use detailed sales materials that indicate Travelers as the source of the Ocean Express policies. I have attached an example of such sales materials in the form of a sample "Ocean Express Quote" to this declaration.
10. The individuals who purchase the Ocean Express ocean cargo policies are business professionals, such as Chief Financial Officers and Traffic Managers, who take great care in selecting Applicant's policies. Therefore, the policies are not selected on impulse. The selection process can take place over a lengthy period of time, from weeks to months, and usually involves numerous contacts with the insurance agent representing the Applicant. The business professionals must closely evaluate the insurance policies and ask specific technical questions to determine whether the policies fit their needs.
11. My understanding is that Registrant NACA Logistics primarily provides shipping and logistics services in connection with its registered marks. In my 29 years of experience in the insurance field, I cannot recall ever coming across Registrant. Travelers' proprietary online system and its ocean cargo policies are entirely different than Registrant's shipping and logistics services. Consumers cannot possibly be confused by the Ocean Express online system because only highly knowledgeable contracted independent Travelers agents have access to the proprietary Ocean Express system. Additionally, consumers will not be confused by use of the mark in connection with the ocean cargo

policies. The individuals who purchase the Ocean Express ocean cargo policies are sophisticated businesspeople who are knowledgeable about ocean marine insurance, and select policies with assistance from their insurance agents, only after careful consideration.

12. While it may be true that companies exist which offer both logistics and insurance services, the insurance services offered by shipping and logistics companies differ from the insurance services that Applicant offers. Applicant's insurance services are designed specifically for each purchaser with a Travelers insurance agent, and offer control over costs, coverage, and the insurance company used. In contrast, a logistics or freight forwarding company does not generally offer insurance in the form of a cost-sensitive, ongoing policy that is tailored to meet the long-term needs of each purchaser. Additionally, Applicant's Ocean Express policies differ because, unlike policies offered by logistics or freight-forwarding companies for individual shipments, Applicant's policies cover *all* of a customer's shipments of merchandise without the need for the customer to individually insure each new shipment.
13. Based on my experience, it is virtually impossible that an individual searching for shipping or logistics services would be confused by Applicant's Ocean Express proprietary online system used only by Travelers highly knowledgeable contracted agents, or by Applicant's Ocean Express ocean cargo policies offered to business professionals through insurance agents.

Further, I declare that the above statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom; the facts set forth in this declaration are true; all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: December 31, 2009

  
George C. Butler