

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: June 18, 2004

Opposition No. **91157012**

LEO STOLLER

v.

HYPERSTEALTH BIOTECHNOLOGY
CORP.

By the Trademark Trial and Appeal Board:

The March 10, 2004 order is hereby modified as follows.

On September 10, 2003, applicant filed an abandonment of its application Serial No. 75731216 in connection with goods identified as "therapeutic compound which is taken orally in either liquid or solid form and releases oxygen after consumption," i.e., its goods in International Class 5 herein,¹ and consent to judgment with regard thereto.

In view thereof, judgment is hereby entered against applicant with regard to the involved application in International Class 5, the opposition is sustained and registration to applicant in International Class 5 is

¹ Opposer's notice of opposition indicated that he wished to oppose registration of applicant's HYPERSTEALTH mark in connection with "therapeutic compound which is taken orally in either liquid or solid form and releases oxygen after consumption" only and submitted a filing fee for a one-class opposition, but incorrectly indicated that applicant's goods at issue were classified in International Class 10.

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refused. The involved application will be forwarded to the Intent to Use branch for issuance of a notice of allowance in connection with the remaining goods set forth therein.