

ESTTA Tracking number: **ESTTA641502**

Filing date: **11/26/2014**

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	Troy Healthcare, LLC		
Entity	Limited Liability Company	Citizenship	Pennsylvania
Address	130 Lions Drive Hazleton, PA 18202 UNITED STATES		

Attorney information	Nathan C. Brunette Stoel Rives LLP 900 SW Fifth Avenue, Suite 2600 Portland, OR 97204 UNITED STATES ncbrunette@stoel.com, cjohnson@stoel.com, stlovet@stoel.com, dock- etclerk@stoel.com, tm-pdx@stoel.com Phone:503-294-9678
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**Applicant Information**

Application No	86092729	Publication date	10/28/2014
Opposition Filing Date	11/26/2014	Opposition Period Ends	11/27/2014
Applicant	Gensco Laboratories, LLC 12741 Miramar Parkway, Suite 301 Miramar, FL 33027 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pharmaceutical topical gels and ointments for transdermal delivery of analgesics, anti-inflammatories, anti neoplastic agents for the treatment of cancer, muscle relaxants, anaesthetics, peptides for the treatment of skin conditions, proteins for the treatment of wounds, growth factors for the treatment of burns, hormones, substance P antagonists for the prevention of nausea and vomiting, anti fungal preparations, antivirals, antibacterial substances for medical purposes, anti obesity drugs, homeopathic agents for the treatment of pain, anti anginal medications, hair growth stimulants, hair growth retardants, nutritional supplements, and anti metabolites for the treatment of cancer
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1744224	Application Date	02/01/1991
Registration Date	01/05/1993	Foreign Priority	NONE

		Date	
Word Mark	STOPAIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1990/08/29 First Use In Commerce: 1991/01/07 topical analgesic spray		

U.S. Registration No.	4485101	Application Date	07/15/2013
Registration Date	02/18/2014	Foreign Priority Date	NONE

Word Mark	STOPAIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1990/08/29 First Use In Commerce: 1991/01/07 analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps		

U.S. Registration No.	4485116	Application Date	07/15/2013
Registration Date	02/18/2014	Foreign Priority Date	NONE

Word Mark	STOPAIN		
Design Mark			
Description of	The mark consists of a design featuring an octagon with a banner extending to		

Mark	accommodate the word "STOPAIN".
Goods/Services	Class 005. First use: First Use: 2006/00/00 First Use In Commerce: 2006/00/00 analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps

Attachments	86010175#TMSN.png( bytes ) 86010314#TMSN.png( bytes ) Notice of Opposition.pdf(154063 bytes ) Exhibit A.pdf(484054 bytes ) Exhibit B.pdf(483068 bytes ) Exhibit C.pdf(510053 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nathan C. Brunette/
Name	Nathan C. Brunette
Date	11/26/2014

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

<b>Troy Healthcare, LLC,</b>	)	
	)	
Opposer,	)	Proceeding No: _____
	)	
v.	)	Application No. 86/092,729
	)	Published on October 28, 2014
	)	
	)	For the mark GOTPAIN
<b>Gensco Laboratories, LLC,</b>	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

**I. PARTIES**

1. Opposer Troy Healthcare, LLC (“Opposer”) is a Pennsylvania corporation having a principal place of business at 130 Lions Drive, Hazleton, Pennsylvania 18202.

2. Applicant Gensco Laboratories, LLC (“Applicant”) is, on information and belief, a Florida limited liability company having an address of 12741 Miramar Parkway, Suite 301, Miramar, Florida 33027.

**II. BASIS FOR OPPOSITION**

3. In the matter of application for trademark registration, Serial No. 86/092,729, filed by Applicant on October 16, 2013, which application was published in the Official Gazette of the United States Patent and Trademark Office on October 28, 2014, Opposer believes that it would be damaged by the grant of registration of such application, and hereby opposes the registration of such mark under the provisions of Section 13 of the Trademark Act, (15 U.S.C. § 1063).

4. Opposer is the owner of the trademark STOPAIN for goods and services, including without limitation analgesics, analgesic preparations, and topical analgesic sprays.

5. Opposer has used, directly and through its predecessors-in-interest, the STOPAIN trademark continuously in commerce in the United States in connection with analgesics, analgesic preparations, and topical analgesic sprays since at least August 29, 1990.

6. Opposer owns federal Registration No. 1,744,224 for STOPAIN in standard characters in connection with “topical analgesic spray” in International Class 5.

7. Section 8 and Section 15 affidavits asserting continued use in interstate commerce were filed with the U.S. Patent and Trademark Office for Registration No. 1,744,224 on May 20, 1998 and accepted on August 11, 1998, creating a presumption of incontestability.

8. Opposer’s incontestable Registration No. 1,744,224 is valid and subsisting and is conclusive evidence of Opposer’s exclusive right to use said mark in commerce on the goods and services specified in said registration. A true and correct printout of information from the electronic database records of the U.S. Patent & Trademark Office showing the current status and title of Registration No. 1,744,224 is attached hereto as Exhibit A.

9. Opposer owns federal Registration No. 4,485,101 for STOPAIN in standard characters in connection with “analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps” in International Class 5.

10. Opposer’s Registration No. 4,485,101 is valid and subsisting and is prima facie evidence of Opposer’s exclusive right to use said mark in commerce on the goods and services specified in said registration. A true and correct printout of information from the electronic database records of the U.S. Patent & Trademark Office showing the current status and title of Registration No. 4,485,101 is attached hereto as Exhibit B.

11. Opposer owns federal Registration No. 4,485,116 for STOPAIN and design



in connection with “analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps” in International Class 5.

12. Opposer’s Registration No. 4,485,1116 is valid and subsisting and is prima facie evidence of Opposer’s exclusive right to use said mark in commerce on the goods and services specified in said registration. A true and correct printout of information from the electronic database records of the U.S. Patent & Trademark Office showing the current status and title of Registration No. 4,485,1116 is attached hereto as Exhibit C.

13. Through Opposer’s extensive use, considerable sales and investment in time and marketing, Opposer’s STOPAIN marks and STOPAIN and design mark (collectively, the “STOPAIN marks”) have gained considerable notoriety and goodwill among the relevant public. As a result, Opposer’s STOPAIN marks are of significant value to Opposer as an identifier of source in connection with the promotion and offering of Opposer’s goods and services.

14. Applicant seeks registration of GOTPAIN in standard characters in application Serial No. 86/092,729, on an intent-to-use basis under 15 U.S.C. § 1051(b), for

“Pharmaceutical topical gels and ointments for transdermal delivery of analgesics, anti-inflammatories, anti neoplastic agents for the treatment of cancer, muscle relaxants, anaesthetics, peptides for the treatment of skin conditions, proteins for the treatment of wounds, growth factors for the treatment of burns, hormones, substance P antagonists for the prevention of nausea and vomiting, anti fungal preparations, antivirals, antibacterial substances for medical purposes, anti obesity drugs, homeopathic agents for the treatment of pain, anti anginal medications, hair growth stimulants, hair growth retardants, nutritional supplements, and anti metabolites for the treatment of cancer” in International Class 5.

15. Opposer adopted and commenced interstate use of its STOPAIN marks for related goods and services long before any date which may be lawfully claimed by Applicant.

16. Each of Opposer's federal registrations for its STOPAIN marks was filed and/or registered prior to October 16, 2013, the filing date of Opposer's application Serial No. 86/092,729.

17. The mark depicted in application Serial No. 86/092,729, namely GOTPAIN, is confusingly similar in appearance, sound and commercial impression to Opposer's STOPAIN Marks.

18. The goods recited in application Serial No. 86/092,729, namely "Pharmaceutical topical gels and ointments for transdermal delivery of analgesics, anti-inflammatories, anti neoplastic agents for the treatment of cancer, muscle relaxants, anaesthetics, peptides for the treatment of skin conditions, proteins for the treatment of wounds, growth factors for the treatment of burns, hormones, substance P antagonists for the prevention of nausea and vomiting, anti fungal preparations, antivirals, antibacterial substances for medical purposes, anti obesity drugs, homeopathic agents for the treatment of pain, anti anginal medications, hair growth stimulants, hair growth retardants, nutritional supplements, and anti metabolites for the treatment of cancer" are identical, related, and/or similar to, the goods recited in Opposer's registrations for the STOPAIN marks.

19. Among other things, the goods recited in application Serial No. 86/092,729, are, and/or can be, marketed, advertised, promoted, and sold through identical or similar channels of trade, and ultimately to the same kinds of customers, as the goods recited in Opposer's registrations for the STOPAIN marks.

20. In view of the similarity of the respective marks and the related nature of the parties' respective goods and services, among other things, it is alleged that Applicant's mark so resembles Opposer's marks, as to be likely to cause confusion or to cause mistake, or to deceive

when used in connection with goods and services in International Class 5. Trademark Act § 2(d), 15 U.S.C. § 1052(d).

21. Opposer would be damaged by the registration of the mark GOTPAIN by Applicant as Opposer has priority and the mark is confusingly similar to Opposer's marks and, thus, application Serial No. 86/092,729 should be denied.

WHEREFORE, Opposer respectfully requests that this Notice of Opposition be sustained and that application Serial No. 86/092,729 be refused registration, and respectfully requests such other and further relief as may be deemed to be just and proper.

Dated: November 26, 2014

Respectfully submitted,

/Nathan C. Brunette/  
Nathan C. Brunette  
Steven T. Lovett  
STOEL RIVES LLP  
Suite 2600  
900 SW Fifth Avenue  
Portland, Oregon 97204-1268

Attorneys for Opposer

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF OPPOSITION** on the following named person on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said person a true copy thereof, contained in a sealed envelope, addressed to said person at his last-known address indicated below.

RANDY M. GOLDBERG  
1101 SW 71ST AVE  
PLANTATION, FLORIDA 33317-4123

Gensco Laboratories, LLC  
12741 Miramar Parkway, Suite 301  
War Room  
Miramar, FLORIDA 33027

DATED: November 26, 2014.

STOEL RIVES LLP

/Nathan C. Brunette/  
Nathan C. Brunette  
Email: ncbrunette@stoel.com  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
Telephone: (503) 224-3380  
Facsimile: (503) 220-2480

# **EXHIBIT**

**A**



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Anne W. Glazer **Docket Number:** 42171-4  
**Attorney Primary Email Address:** [TM-PDX@STOEL.COM](mailto:TM-PDX@STOEL.COM) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Anne W. Glazer  
 Stoel Rives LLP  
 900 SW Fifth Avenue  
 Suite 2600  
 Portland, OREGON 97204  
 UNITED STATES

**Phone:** (503) 294-9584 **Fax:** (503) 220-2480  
**Correspondent e-mail:** [TM-PDX@STOEL.COM](mailto:TM-PDX@STOEL.COM) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 23, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70619
Mar. 23, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70619
Mar. 23, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Feb. 20, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jul. 20, 2011	NOTICE OF SUIT	
Jun. 08, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 16, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 27, 2008	CASE FILE IN TICRS	
Apr. 22, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 11, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 11, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 06, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 06, 2002	PAPER RECEIVED	
Aug. 11, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 20, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 05, 1993	REGISTERED-PRINCIPAL REGISTER	
Oct. 13, 1992	PUBLISHED FOR OPPOSITION	
Sep. 11, 1992	NOTICE OF PUBLICATION	
Dec. 23, 1991	ASSIGNED TO EXAMINER	65999
Dec. 23, 1991	ASSIGNED TO EXAMINER	68982
May 20, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 1991	ASSIGNED TO EXAMINER	65999

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jan. 05, 2013

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 23, 2012

**Assignment Abstract Of Title Information**

**Summary**

Total Assignments: 3

Registrant: DRJ GROUP, INC.

**Assignment 1 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0779/0719](#)

Pages: 2

Date Recorded: Apr. 10, 1991

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: [SPINELLI, JOSEPH](#)

Execution Date: Apr. 05, 1991

Legal Entity Type: INDIVIDUAL

Citizenship: No Citizenship Found

DBA, AKA, TA, Formerly: DBA VIMCO

**Assignee**

Name: [DRJ GROUP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: LONG BEACH, CALIFORNIA

**Correspondent**

Correspondent Name: Gary M. Anderson

Correspondent Address: Fulwider, Patton, Lee & Utecht  
510 Harbor Bank Building  
11 Golden Shore, P.O. Box 22615  
Long beach, CA 90801-5615

**Domestic Representative - Not Found**

**Assignment 2 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4222/0857](#)

Pages: 4

Date Recorded: Jun. 10, 2010

Supporting Documents: [assignment-tm-4222-0857.pdf](#)

**Assignor**

Name: [DRJ GROUP, INC.](#)

Execution Date: Jan. 19, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

**Assignee**

Name: [TROY HEALTHCARE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Address: 130 LIONS DRIVE  
HAZLETON, PENNSYLVANIA 18202

**Correspondent**

Correspondent Name: ANNE W. GLAZER/STOEL RIVES LLP

Correspondent Address: 900 SW FIFTH AVENUE  
SUITE 2600  
PORTLAND, OR 97204

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE EFFECTIVE DATE OF THE ASSIGNMENT PREVIOUSLY RECORDED ON REEL 004222 FRAME 0857. ASSIGNOR(S) HEREBY CONFIRMS THE EFFECTIVE DATE TO BE JANUARY 19, 2010.

Reel/Frame: [4551/0884](#)

Pages: 6

Date Recorded: May 06, 2011

Supporting Documents: [assignment-tm-4551-0884.pdf](#)

**Assignor**

Name: [DRJ GROUP, INC.](#)

Execution Date: Apr. 29, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

**Assignee**

**Name:** [TROY HEALTHCARE, LLC](#)  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** PENNSYLVANIA  
**Address:** 130 LIONS DRIVE  
 HAZLETON, PENNSYLVANIA 18202

**Correspondent**

**Correspondent Name:** ANNE W. GLAZER/ STOEL RIVES LLP  
**Correspondent Address:** 900 SW FIFTH AVENUE  
 SUITE 2600  
 PORTLAND, OREGON 97204

**Domestic Representative - Not Found****Proceedings****Summary**

**Number of Proceedings:** 1

**Type of Proceeding: Opposition**

**Proceeding Number:** [91199446](#) **Filing Date:** Apr 15, 2011  
**Status:** Terminated **Status Date:** Jul 05, 2012  
**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** NutraMarks, Inc.  
**Correspondent Address:** TIMOTHY P GETZOFF  
 HOLLAND & HART LLP  
 ONE BOULDER PLAZA, 1800 BROADWAY SUITE 300  
 BOULDER CO , 80302  
 UNITED STATES  
**Correspondent e-mail:** [tgetzoff@hollandhart.com](mailto:tgetzoff@hollandhart.com) , [ncbosch@hollandhart.com](mailto:ncbosch@hollandhart.com) , [jguy@hollandhart.com](mailto:jguy@hollandhart.com) , [docket@hollandhart.com](mailto:docket@hollandhart.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DROPAIN	Abandoned - No Statement Of Use Filed	<a href="#">85127398</a>	

**Plaintiff(s)**

**Name:** Troy Healthcare, LLC  
**Correspondent Address:** ANNE W GLAZER  
 STOEL RIVES LLP  
 900 SW FIFTH AVENUE, SUITE 2600  
 PORTLAND OR , 97204  
 UNITED STATES  
**Correspondent e-mail:** [seklein@stoel.com](mailto:seklein@stoel.com) , [awglazer@stoel.com](mailto:awglazer@stoel.com) , [pphartigan@stoel.com](mailto:pphartigan@stoel.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
STOPAIN	Renewed	<a href="#">74135651</a>	<a href="#">1744224</a>
STOPAIN. PUTS PAIN IN ITS PLACE.	Registered	<a href="#">77052716</a>	<a href="#">3445830</a>
STOPAIN. EXACTLY WHAT IT DOES.	Registered	<a href="#">85081646</a>	<a href="#">3952695</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 15, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2011	May 25, 2011
3	PENDING, INSTITUTED	Apr 15, 2011	
4	ANSWER	May 25, 2011	
5	DUPLICATE OF #4	Jul 31, 2011	
6	TRIAL DATES REMAIN AS SET	Jun 03, 2011	
7	P'S MOT TO SUSP PEND DISP CIV ACTION	Jun 17, 2011	
8	SUSPENDED	Jun 17, 2011	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 19, 2012	Jul 19, 2012
10	WITHDRAWAL OF OPPOSITION	Jul 02, 2012	

11	BD'S DECISION: DISMISSED W/ PREJUDICE	Jul 05, 2012
12	TERMINATED	Jul 05, 2012

**EXHIBIT**  
**B**

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Mark: STOPAIN

# STOPAIN

**US Serial Number:** 86010175      **Application Filing Date:** Jul. 15, 2013  
**US Registration Number:** 4485101      **Registration Date:** Feb. 18, 2014  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Feb. 18, 2014  
**Publication Date:** Dec. 03, 2013

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## Mark Information

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**Mark Literal Elements:** STOPAIN  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 1744224, 3445830, 3952695

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps

**International Class(es):** 005 - Primary Class

**U.S Class(es):** 006, 018, 044, 046, 051, 052

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 29, 1990

**Use in Commerce:** Jan. 07, 1991

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## Basis Information (Case Level)

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<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** Troy Healthcare, LLC  
**Owner Address:** 130 Lions Drive  
Hazleton, PENNSYLVANIA 18202  
UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY      **State or Country Where Organized:** PENNSYLVANIA

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Anne W. Glazer

**Docket Number:** 42171-18

Attorney Primary Email [TM-PDX@STOEL.COM](mailto:TM-PDX@STOEL.COM)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** ANNE W. GLAZER  
STOEL RIVES LLP  
900 SW 5TH AVE STE 2600  
PORTLAND, OREGON 97204-1268  
UNITED STATES

**Phone:** (503) 294-9584

**Fax:** (503) 220-2480

**Correspondent e-mail:** [TM-PDX@STOEL.COM](mailto:TM-PDX@STOEL.COM)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Feb. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2013	ASSIGNED TO EXAMINER	82104
Jul. 23, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 22, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 18, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 18, 2014

**EXHIBIT**  
**C**

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Mark: STOPAIN



US Serial Number: 86010314

Application Filing Date: Jul. 15, 2013

US Registration Number: 4485116

Registration Date: Feb. 18, 2014

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 18, 2014

Publication Date: Dec. 03, 2013

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## Mark Information

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Mark Literal Elements: STOPAIN

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a design featuring an octagon with a banner extending to accommodate the word "STOPAIN".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.09.07 - Advertising, banners; Banners  
26.11.21 - Rectangles that are completely or partially shaded  
26.15.21 - Polygons that are completely or partially shaded

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## Related Properties Information

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Claimed Ownership of US Registrations: 1744224, 3445830, 3952695

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: 2006

Use in Commerce: 2006

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

---

Owner Name: Troy Healthcare, LLC

Owner Address: 130 Lions Drive  
Hazleton, PENNSYLVANIA 18202  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: PENNSYLVANIA

Organized:

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Anne W. Glazer **Docket Number:** 42171-17  
**Attorney Primary Email Address:** [TM-PDX@STOEL.COM](mailto:TM-PDX@STOEL.COM) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** ANNE W. GLAZER  
STOEL RIVES LLP  
900 SW 5TH AVE STE 2600  
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### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Feb. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2013	ASSIGNED TO EXAMINER	82104
Jul. 23, 2013	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Jul. 22, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 18, 2013	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information - None File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 18, 2014