

ESTTA Tracking number: **ESTTA922351**

Filing date: **09/14/2018**

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	Aegis Sciences Corporation
Granted to Date of previous extension	09/19/2018
Address	515 Great Circle Road Nashville, TN 37228 UNITED STATES

Attorney information	Maia T. Woodhouse Adams and Reese LLP 424 Church Street, Suite 2700 Nashville, TN 37219 UNITED STATES trademarks@arlaw.com, maia.woodhouse@arlaw.com, edward.playfair@arlaw.com 6152591085
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**Applicant Information**

Application No	87648571	Publication date	05/22/2018
Opposition Filing Date	09/14/2018	Opposition Period Ends	09/19/2018
Applicant	Response Scientific 5 Independence Way, Suite 300 Princeton, NJ 08540 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 preparations for the relief of pain and for the treatment of allergies, diabetes, myalgia, neuralgia, Alzheimers, polycystic ovarian syndrome and neuropathy for medical or veterinary use; dietary and nutritionally fortified food products, namely, nutritional and dietary supplements formed and packaged as bars, nutritional meal replacement bars adapted for medical use for subjects undergoing medical treatments, vitamins and minerals formed and packaged as bars and mineral, vitamin, or nutritionally enhanced water for medical or veterinary use; nutraceuticals for use as dietary supplements for medical or veterinary use; nutritional supplements, namely, vitamins, minerals and antioxidants for medical or veterinary use
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d

	1938 (Fed. Cir. 2009)
Other	Refusal based on Applicant's prior agreement to cease use of mark; Bausch & Lomb, Inc. v. Karl Storz GmbH & Co. KG, 87 USPQ2d 1526 (TTAB 2008)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2544255	Application Date	06/13/2000
Registration Date	03/05/2002	Foreign Priority Date	NONE
Word Mark	AEGIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1990/07/01 First Use In Commerce: 1990/07/01 Drug testing for substance abuse		


U.S. Registration No.	4086011	Application Date	04/15/2010
Registration Date	01/17/2012	Foreign Priority Date	NONE
Word Mark	AEGIS		

Design Mark	<h1>AEGIS</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 042. First use: First Use: 1990/07/01 First Use In Commerce: 1990/07/01  Testing substances for the purpose of identifying drugs, steroids, medications and alcohol, and consulting related thereto; testing of dietary, food and nutritional products, and consulting related thereto; toxicology services and consulting related thereto; scientific research and analysis in the field of pharmacology; pharmacology consulting services; forensic science services, namely, research in the nature of analysis, detection and isolation of drugs, steroids, medications and alcohol in forensic samples; forensic science consulting services; consulting services in the field of crime laboratory research; scientific consulting services in the field of foods</p> <p>Class 044. First use: First Use: 1990/07/01 First Use In Commerce: 1990/07/01  Consulting services in the fields of health, nutrition, medical examination and pain management; providing health and medical information in the fields of drugs, steroids, and dietary, food and nutritional products; consulting services in the field of sports doping and substance abuse prevention and testing programs; administration of substance abuse testing programs for sports organizations, educational establishments and businesses; medical substance use and abuse testing; screening and identification services for the use of drugs, steroids, medications and alcohol, and consulting related thereto; medical compliance testing services, namely, testing of use of drugs and medications to ensure compliance, and consulting related thereto; drugs, steroids, medications and alcohol screening for sports doping and substance abuse prevention purposes, and consulting related thereto</p> <p>Class 045. First use: First Use: 1990/07/01 First Use In Commerce: 1990/07/01  Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules; expert witness services in legal matters in the fields of sports doping and substance use and abuse; consulting services in the field of crime scene investigation; drugs, steroids, medications and alcohol screening for security and employment purposes, and consulting related thereto</p>
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U.S. Registration No.	3498957	Application Date	02/12/2008
Registration Date	09/09/2008	Foreign Priority Date	NONE
Word Mark	AEGIS		

Design Mark	
Description of Mark	The mark consists of the word "AEGIS", stylized. The horizontal line in the letter "A" in "AEGIS" makes an arc up and over letters "E" and "G".
Goods/Services	Class 044. First use: First Use: 2006/01/00 First Use In Commerce: 2006/01/00 Drug testing for substance abuse

U.S. Registration No.	4404849	Application Date	11/09/2011
Registration Date	09/17/2013	Foreign Priority Date	NONE


Word Mark	AEGIS SHIELD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2012/05/16 First Use In Commerce: 2012/05/16 Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies' and sports teams' anti-doping rules</p> <p>Class 044. First use: First Use: 2012/04/00 First Use In Commerce: 2012/04/00 Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse</p> <p>Class 045. First use: First Use: 2012/04/00 First Use In Commerce: 2012/04/00 Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules</p>
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U.S. Registration No.	4825305	Application Date	09/22/2014
Registration Date	10/06/2015	Foreign Priority Date	NONE

Word Mark	A AEGISSHIELD
Design Mark	
Description of Mark	The mark consists of a three-pointed shield. The letter "A" in stylized lettering is in the middle of the shield with the cross stroke of the "A" arcing across the shield. The term "AEGISSHIELD" is adjacent to the right.
Goods/Services	<p>Class 009. First use: First Use: 2014/06/25 First Use In Commerce: 2014/06/25 Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies' and sports teams' anti-doping rules</p> <p>Class 044. First use: First Use: 2014/06/25 First Use In Commerce: 2014/06/25 Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse</p> <p>Class 045. First use: First Use: 2014/06/25 First Use In Commerce: 2014/06/25 Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules</p>

Related Proceedings	EUIPO Opposition No. 003063938
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Attachments	76070034#TMSN.png( bytes ) 85015093#TMSN.png( bytes ) 77394899#TMSN.png( bytes ) 85979774#TMSN.png( bytes ) 86401328#TMSN.png( bytes ) FINAL AEGIS Notice of Opposition.pdf(259328 bytes ) AEGIS Exhibit 1 - 255 Registration.pdf(54589 bytes ) AEGIS Exhibit 2 - 011 Registration.pdf(59232 bytes ) AEGIS Exhibit 3 - 957 Registration.pdf(48969 bytes ) AEGIS Exhibit 4 - 849 Registration.pdf(43364 bytes ) AEGIS Exhibit 5 - 305 Registratio.pdf(51547 bytes )
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Signature	/Maia T. Woodhouse/
Name	Maia T. Woodhouse
Date	09/14/2018

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

In the matter of: Trademark Application Serial No. 87/648,571  
Filed on:



For the mark:  
Date of Publication in the Official Gazette:

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<b>AEGIS SCIENCES CORPORATION,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No.</b> _____
	)	
<b>RESPONSE SCIENTIFIC, INC.,</b>	)	
	)	
<b>Applicant.</b>	)	

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**NOTICE OF OPPOSITION**

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Opposer Aegis Sciences Corporation (“Opposer”) believes that it will be damaged by registration of the mark shown in Application Serial No. 87/648,571, and hereby opposes the same under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063. The required fee accompanies the electronic filing of this Notice of Opposition. As grounds for its opposition, Opposer alleges as follows:

**I. THE PARTIES**

1. Opposer is a corporation organized and existing under the laws of the State of Tennessee, with an address of 515 Great Circle Road, Nashville, Tennessee 37228.


2. On information and belief, Applicant Response Scientific, Inc. (“Applicant”) is corporation organized and existing under the laws of the State of Wyoming, with address of 5 Independence Way, Suite 300, Princeton, New Jersey 08540.

## **II. FACTUAL BACKGROUND**

### **A. Opposer’s AEGIS Marks**

3. Opposer has been engaged in the business of providing drug testing and screening services, including managing and processing medical, health and patient data, and consulting in relation thereto, among other related services, in commerce under the trademark AEGIS since at least as early as 1990.

4. Opposer has been engaged in the business of providing testing services for evaluating patient compliance with prescribed medications in commerce under the trademarks AEGIS and AEGIS PAINCOMP since at least as early as 2005.

5. Opposer has been engaged in the business of providing drug testing services, and other related services, in commerce under the trademark  since at least as early as January 2006.

6. Opposer has been engaged in the business of providing downloadable software in the nature of a mobile application for processing health and medical data, and providing health and medical information, among other related services, in commerce under the trademark AEGIS SHIELD since at least as early as May 2012.

7. Opposer has been engaged in the business of providing downloadable software in the nature of a mobile application for processing health and medical data, and providing health

and medical information, among other related services, in commerce under the trademark



since at least as early as June 2014.

8. Opposer is the owner of many trademark registrations issued by the United States Patent and Trademark Office, including by way of example the following:

**Mark:** AEGIS

**Registration Number:** 2,544,255

**Filing Date:** June 13, 2000

**First Use in Commerce Date:** July 1, 1990

**Registration Date:** March 5, 2002

**Register:** Principal

**Goods and Services covered:** “Drug testing for substance abuse”

Registration No. 2,544,255 is valid and subsisting and has become incontestable. A copy of the record of this registration taken from the TSDR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as **Exhibit 1**.

**Mark:** AEGIS

**Registration Number:** 4,086,011

**Filing Date:** April 15, 2010

**First Use in Commerce Date:** July 1, 1990

**Registration Date:** January 17, 2012

**Register:** Principal

**Goods and Services covered:** “Testing substances for the purpose of identifying drugs, steroids, medications and alcohol, and consulting related thereto; testing of



dietary, food and nutritional products, and consulting related thereto; toxicology services and consulting related thereto; scientific research and analysis in the field of pharmacology; pharmacology consulting services; forensic science services, namely, research in the nature of analysis, detection and isolation of drugs, steroids, medications and alcohol in forensic samples; forensic science consulting services; consulting services in the field of crime laboratory research; scientific consulting services in the field of foods”; “Consulting services in the fields of health, nutrition, medical examination and pain management; providing health and medical information in the fields of drugs, steroids, and dietary, food and nutritional products; consulting services in the field of sports doping and substance abuse prevention and testing programs; administration of substance abuse testing programs for sports organizations, educational establishments and businesses; medical substance use and abuse testing; screening and identification services for the use of drugs, steroids, medications and alcohol, and consulting related thereto; medical compliance testing services, namely, testing of use of drugs and medications to ensure compliance, and consulting related thereto; drugs, steroids, medications and alcohol screening for sports doping and substance abuse prevention purposes, and consulting related thereto”; and “Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies’ and sports teams’ anti-doping rules; expert witness services in legal matters in the fields of sports doping and substance use and abuse; consulting services in the field of crime scene investigation; drugs,

steroids, medications and alcohol screening for security and employment purposes, and consulting related thereto”

Registration No. 4,086,011 is valid and subsisting and has become incontestable. A copy of the record of this registration taken from the TSDR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as **Exhibit 2**.

**Mark:** AEGIS (design) The logo for AEGIS features the word "AEGIS" in a bold, italicized, sans-serif font. A stylized, curved line or swoosh starts above the 'A', passes through the 'E', and ends above the 'S', creating a sense of motion or a shield-like shape.

**Registration Number:** 3,498,957

**Filing Date:** February 12, 2008

**First Use in Commerce Date:** January 2006

**Registration Date:** September 9, 2008

**Register:** Principal

**Goods and Services covered:** “Drug testing for substance abuse”

Registration No. 3,498,957 is valid and subsisting and has become incontestable. A copy of the record of this registration taken from the TSDR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as **Exhibit 3**.

**Mark:** AEGIS SHIELD

**Registration Number:** 4,404,849

**Filing Date:** November 9, 2011

**First Use in Commerce Date:** May 16, 2012

**Registration Date:** September 17, 2013

**Register:** Principal

**Goods and Services covered:** “Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids,

and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies' and sports teams' anti-doping rules"; "Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse"; "Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules."

A copy of the record of this registration taken from the TSDR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as **Exhibit 4**.



**Mark:** A AEGISSHIELD (design)

**Registration Number:** 4,825,305

**Filing Date:** September 22, 2014

**First Use in Commerce Date:** June 25, 2014

**Registration Date:** October 6, 2015

**Register:** Principal

**Goods and Services covered:** “Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies’ and sports teams’ anti-doping rules”; “Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse”; “Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies’ and sports teams’ anti-doping rules.”

A copy of the record of this registration taken from the TSDR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as **Exhibit 5**. Collectively, the marks represented by Opposer’s Registration Nos. 2,544,255; 4,086,011; 3,498,957; 4,404,849; and 4,825,305 shall be referred to herein as the “AEGIS Marks.”

9. As demonstrated by its use and registration of the AEGIS Marks, Opposer owns a family of marks incorporating the term “AEGIS” which are indicative of Opposer as a single source of the goods and services offered under the AEGIS Marks.

10. Each of the AEGIS Marks share the recognizable common element “AEGIS.”

11. The common characteristic “AEGIS” shared by the AEGIS Marks is distinctive.

12. Prior to Applicant’s first use and/or constructive first use of its applied-for mark, each of Opposer’s AEGIS Marks have been used and advertised in promotional material or everyday sales activities in such a manner as to create common exposure and thereafter recognition among the purchasing public such that the common characteristic “AEGIS” is itself indicative of a common origin of the goods or services.

**B. The Parties’ Prior Agreement Prohibiting Applicant’s Use And Registration Of “AEGIS”**

13. One January 5, 2012, Applicant filed Application Serial No. 85/509,608 to



register the mark

on the Principal Register, for goods and

services identified as “Pharmaceutical preparations for the relief of pain and for the treatment of allergies, diabetes, myalgia, neuralgia, Alzheimer’s, polycystic ovarian syndrome and neuropathy; dietary and nutritionally fortified food products, namely, nutritional and dietary supplements formed and packaged as bars, nutritional meal replacement bars adapted for medical use for individuals undergoing medical treatments, vitamins and minerals formed and packaged as bars and mineral, vitamin, or nutritionally enhanced water; nutraceuticals for use as dietary supplements; nutritional supplements, namely, vitamins, minerals and antioxidants” in Class 5 (the “First AEGIS Application”).

14. On October 17, 2011, Applicant filed a Canadian intent-to-use application to



register the mark

for goods identified as “Pharmaceutical

preparations for the relief of pain, for the treatment of allergies, for the treatment of diabetes, for the treatment of myalgia and neuralgia, for the treatment of Alzheimer’s, for the treatment of polycystic ovarian syndrome, for the treatment of peripheral neuropathy; nutritional supplements, namely vitamins, minerals, antioxidants; medical foods namely high-nutrient supplements and dietary supplements supporting good health in cancer, diabetes, Alzheimer’s, polycystic ovarian syndrome, myalgia and neuralgia patients and patients with disease-related nutritional deficiencies; medical foods for diabetics, namely high-nutrient supplements and dietary supplements for the promotion of good health and the reduction of insulin consumption in diabetic patients” and services identified as “Microencapsulation of fluids, namely dietary vitamin, mineral, antioxidant supplements in liquid form, vaccines, oral insulin, protein or peptide-based drugs, liquid acetylsalicylic acid, pharmaceutical preparations for the treatment of diabetes, Alzheimer’s, polycystic ovarian syndrome, pain, cancer, cognition deficiencies in liquid form” (the “Canadian Application”).

15. On or around September 20, 2013, Opposer’s counsel contacted Applicant’s then-counsel to demand that Applicant abandon the First AEGIS Application and Canadian Application and permanently cease all use of the term “AEGIS” in connection with its business.

16. The parties engaged in settlement negotiations from September 2013 through November 2013, after which Applicant agreed to abandon the First AEGIS Application, abandon the Canadian Application, and permanently cease all use of “AEGIS” in connection with its business.

17. On November 21, 2013, Applicant's counsel filed a Request for Express Abandonment (Withdrawal) of the First AEGIS Application and confirmed that Applicant would be withdrawing the Canadian Application.

18. Also on November 21, 2013, Opposer's counsel requested confirmation that Applicant "will be ceasing all use of 'Aegis[.]'"

19. On November 22, 2013, Applicant's counsel confirmed in writing that Applicant "will be ceasing all use of the [AEGIS] mark[.]"

20. Applicant's counsel further confirmed that Applicant was in the process of redesigning its website to remove any use of AEGIS.

21. On December 5, 2013, Applicant expressly abandoned the Canadian Application. The Canadian Intellectual Property Office formally withdrew the Canadian Application on December 10, 2013.

22. Applicant subsequently ceased all use of "AEGIS" and rebranded from use of the mark AEGIS FLUIDICS MICROENCAPSULATION (design) mark to the mark "MICROVAIL."

23. In reliance upon Applicant's agreement to abandon the First AEGIS Application, to abandon the Canadian Application, and to cease all use of "AEGIS," Opposer took no further action to enforce its senior trademark rights in the AEGIS Marks against Applicant.

### **C. Applicant's Subsequent AEGIS ABUSE DETERRENCE (Design) Application**

24. Notwithstanding its prior agreement to permanently cease all use of "AEGIS" in connection with its business, on October 17, 2017, without authority from or notice to Opposer, Applicant filed Application Serial No. 87/648,571 to register the mark



on the Principal Register, for goods and services identified as “Pharmaceutical preparations for the relief of pain and for the treatment of allergies, diabetes, myalgia, neuralgia, Alzheimer’s, polycystic ovarian syndrome and neuropathy for medical or veterinary use; dietary and nutritionally fortified food products, namely, nutritional and dietary supplements formed and packaged as bars, nutritional meal replacement bars adapted for medical use for subjects undergoing medical treatments, vitamins and minerals formed and packaged as bars and mineral, vitamin, or nutritionally enhanced water for medical or veterinary use; nutraceuticals for use as dietary supplements for medical or veterinary use; nutritional supplements, namely, vitamins, minerals and antioxidants for medical or veterinary use” in Class 5 (the “Second AEGIS Application”). The Second AEGIS Application was filed on a Section 1(b) intent-to-use filing basis.

25. On April 10, 2018, Applicant filed a European Union application to register the



mark for the same goods and services as those identified in the Second AEGIS Application (the “EU AEGIS Application”).



26. The mark subject to the Second AEGIS Application prominently features the identical “AEGIS” element featured in the First AEGIS Application, the use of which Applicant expressly agreed to cease.

27. The inclusion of the literal element “ABUSE DETERRENCE” does not cure Applicant’s breach of its prior agreement to cease all use of “AEGIS” in its business and abandon its applications incorporating the AEGIS mark.

28. On February 2, 2018, the examining attorney issued a priority action requiring Applicant to disclaim “ABUSE DETERRENCE” because “the wording merely describes the applicant’s goods, namely, pharmaceutical goods developed to help prevent drug abuse or designed to be an addiction deterring drug (not habit forming).”

29. On April 12, 2018, Applicant responded to the priority action to disclaim any exclusive right to use “ABUSE DETERRENCE” apart from the mark as shown in the Second AEGIS Application.

30. In so doing, Applicant did not refute or contest the examining attorney’s determination that Applicant’s goods were “developed to help prevent drug abuse or designed to be an addiction deterring drug (not habit forming).”

31. The examining attorney issued a Notice of Publication for the Second AEGIS Application on May 2, 2018.

32. Applicant’s inclusion of the literal element “ABUSE DETERRENCE” in the Second AEGIS Application and statements made on its website demonstrates that, in addition to violating its prior agreement to cease all use of “AEGIS” in connection with its business and to abandon its applications to register marks using the AEGIS mark, Applicant has adopted an identical AEGIS mark that is likely to cause confusion with Opposer’s senior AEGIS Marks for

use in connection with goods and services that overlap with and/or are directly related to Opposer's goods and services, including, but not limited to, drug testing for substance abuse; providing health and medical information in the fields of drugs, steroids, and dietary, food and nutritional products; testing services for evaluating patient compliance with prescribed medications; consulting services in the field of sports doping and substance abuse prevention and testing programs; medical substance use and abuse testing; screening and identification services for the use of drugs, steroids, medications and alcohol, and consulting related thereto; medical compliance testing services, namely, testing of use of drugs and medications to ensure compliance, and consulting related thereto; drugs, steroids, medications and alcohol screening for sports doping and substance abuse prevention purposes, and consulting related thereto, among others.

33. Applicant's webpage located at [www.responsescientific.com/opioid-solution/](http://www.responsescientific.com/opioid-solution/) demonstrates Applicant's intended use of the AEGIS ABUSE DETERRENCE mark in connection with abuse-deterrent technology for drug products such as opioids, antidepressants and stimulants.

34. On May 11, 2018, Opposer's counsel sent a letter to Applicant's current counsel of record reminding Applicant of its prior agreement to cease all use of "AEGIS." The May 11, 2018 correspondence further demanded that Applicant immediately cease and desist from all use of "AEGIS" in connection with its business and expressly abandon the Second AEGIS Application, EU AEGIS Application, and any other trademark applications incorporating the AEGIS mark.

35. On May 21, 2018, Applicant's counsel sent a letter to Opposer's counsel in which Applicant refused to cease use of "AEGIS" in connection with its business, and refused to

abandon the Second AEGIS Application or any other pending application incorporating the AEGIS mark.

36. The Second AEGIS Application was published for opposition on May 22, 2018.

37. On June 20, 2018, Opposer timely filed a request for a 90-day extension of time to oppose the Second AEGIS Application until September 19, 2018.

### **III. CAUSES OF ACTION**

#### **FIRST CLAIM FOR RELIEF**

##### **(Refusal Based on Applicant's Prior Agreement to Cease Use of AEGIS Mark)**

38. Opposer repeats and realleges the allegations in the preceding paragraphs as if fully set forth herein.

39. Applicant's use and attempted registration of the AEGIS ABUSE DETERRENCE (design) Mark violate the terms of the parties' agreement made in 2013.

40. Pursuant to the parties' agreement made in 2013, Applicant agreed, among other things, to cease all use of "AEGIS" in connection with its business, and to abandon its pending trademark applications incorporating the AEGIS mark.

41. The parties' agreement made in 2013 is a valid and enforceable agreement to cease use of a mark.

42. Applicant's refusal to cease use of "AEGIS" in connection with its business and refusal to abandon the Second AEGIS Application and EU AEGIS Application constitutes a breach of the parties' agreement made in 2013.

43. The Second AEGIS Application is dominated by the "AEGIS" element in contravention of the parties' primary purpose for entering into the 2013 agreement.

44. To the extent any exist, Opposer has fully performed any obligations required of Opposer under the parties' agreement in 2013.

45. Opposer will be damaged by the registration of the Second AEGIS Application because such registration will violate Opposer's contractual rights under the parties' agreement made in 2013.

46. Opposer further will be damaged because Applicant may not obtain a registration for exclusive use that is precluded by the terms of the prior agreement made in 2013.

47. Opposer will be damaged by registration of the mark shown in the Second AEGIS Application because registration will give Applicant *prima facie* evidence of its ownership of, and the exclusive right to use in commerce, a mark which is confusingly similar to Opposer's registered AEGIS Marks, which is and will be in derogation of Opposer's right to continue to use its marks.

**SECOND CLAIM FOR RELIEF**  
**(Fraud in the Prosecution)**

48. Opposer repeats and realleges the allegations in the preceding paragraphs as if fully set forth herein.

49. Applicant's Declaration filed in support of the Second AEGIS Application contained false and fraudulent statements.

50. The Declaration filed in support of the Second AEGIS Application falsely states that Applicant's authorized signatory "believes that the applicant is entitled to use the mark in commerce;" Applicant "has a bona fide intention to use the mark in commerce or in connection with the goods/services in the application;" and "that facts recited in the application are accurate."

51. The Declaration filed in support of the Second AEGIS Application falsely states that, "to the best of the signatory's knowledge, information, and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical

form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.”

52. The Declaration filed in support of the Second AEGIS Application falsely states that, “to the best of the signatory’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.”

53. The Declaration filed in support of the Second AEGIS Application acknowledges that, “the signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.”

54. Applicant authorized its counsel to sign the Declaration on Applicant’s behalf.

55. At the time of the filing of the Second AEGIS Application Applicant had actual knowledge of Opposer’s prior exclusive rights in and prior registrations for the AEGIS Marks.

56. At the time of the filing of the Second AEGIS Application, Applicant knew it was subject to a binding agreement requiring it not to use “AEGIS” in connection with its business, and to abandon its pending trademark applications incorporating the AEGIS mark.

57. At the time of the filing of the Second AEGIS Application, Applicant knew its use and attempted registration of any mark incorporating the term AEGIS would cause likely confusion with Opposer’s prior rights in and prior registrations for the AEGIS Marks.

58. At the time of the filing of the Second AEGIS Application, Applicant knew its use and attempted registration of any mark incorporating the term AEGIS would violate its agreement with Opposer made in 2013.

59. At the time of filing the Second AEGIS Application, Applicant knew its use and attempted registration of any mark incorporating the term AEGIS in connection with the identified Class 5 would violate its agreement with Opposer made in 2013.

60. Applicant's claimed rights in, and attempted registration of, the Second AEGIS Application constitute fraud on the USPTO, as Applicant knows that it does not have the right to claim rights in, to use, or to obtain a registration for, the mark subject to the Second AEGIS Application pursuant to Applicant's agreement to cease all use of "AEGIS" in connection with its business and abandon its trademark applications containing the AEGIS mark.

61. In authorizing its counsel to make the knowingly false misrepresentations of fact alleged herein with respect to the Application, Applicant specifically intended to induce the USPTO to approve the Second AEGIS Application for publication, allowance, and registration in reliance on those knowingly false misrepresentations.

62. In issuing the Notice of Publication, the USPTO did in fact rely on Applicant's fraudulent misrepresentations of fact made in the Second AEGIS Application.

63. The false statements were material. But for the false and fraudulent statements, the Second AEGIS Application would not have been approved for publication.

64. Thus, the Second AEGIS Application should be refused registration, because Applicant committed fraud during the prosecution of the Application.

**THIRD CLAIM FOR RELIEF**  
**(Likelihood of Confusion with Registered Trademarks)**

65. Opposer repeats and realleges the allegations in the preceding paragraphs as if fully set forth herein.

66. Applicant's filing date of October 17, 2017 postdates the priority date of Opposer's Registration Nos. 2,544,255 and 4,086,011, which is July 1, 1990. Further, Applicant's filing date also postdates the priority date of Opposer's Registration No. 3,498,957, which is January 2006. Applicant's filing date also postdates the priority date of Opposer's Registration No. 4,404,849, which is November 9, 2011. Finally, Applicant's filing date postdates the priority date of Opposer's Registration No. 4,825,305, which is June 25, 2014. At the time Applicant filed the Second AEGIS Application, Applicant had actual and constructive knowledge of Opposer's rights in its registered marks listed in paragraph 8 above.

67. The mark shown in the Second AEGIS Application so resembles Opposer's registered AEGIS Marks as to be likely, when used on or in connection with the products and services identified in the Second AEGIS Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under §§ 2(d) and 13 of the United States Trademark Act, 15 U.S.C. §§ 1052(d) and 1063.

68. Opposer will be damaged by registration of the mark shown in the Second AEGIS Application, because registration will give Applicant *prima facie* evidence of its ownership of, and the exclusive right to use in commerce, a mark which is confusingly similar to Opposer's registered AEGIS Marks, which is and will be in derogation of Opposer's right to continue to use its marks.

**FOURTH CLAIM FOR RELIEF**  
**(Likelihood of Confusion With Previously Used Trademarks)**

69. Opposer repeats and realleges the allegations in the preceding paragraphs as if fully set forth herein.

70. Applicant's filing date of October 17, 2017 postdates the date of first use in commerce of Opposer, which is at least as early as July 1, 1990.

71. The mark shown in the Second AEGIS Application so resembles the AEGIS Marks previously used by Opposer, and not abandoned, as to be likely, when used on or in connection with the products and services identified in the Second AEGIS Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under §§ 2(d) and 13 of the United States Trademark Act, 15 U.S.C. §§ 1052(d) and 1063.

72. Opposer will be damaged by registration of the mark shown in the Second AEGIS Application, because registration will give Applicant *prima facie* evidence of its ownership of, and the exclusive right to use in commerce, a mark which is confusingly similar to Opposer's AEGIS Marks, which is and will be in derogation of Opposer's right to continue to use such AEGIS Marks.

WHEREFORE, Opposer prays that Application Serial No. 87/648,571 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.



Date: September 14, 2018

Respectfully submitted,

/Maia T. Woodhouse/

Maia T. Woodhouse

Reber M. Boulton

Edward Playfair

Adams and Reese LLP

424 Church Street, Suite 2800

Nashville, Tennessee 37219

(615) 259-1450 (Telephone)

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trademarks@arlaw.com

maia.woodhouse@arlaw.com

mitch.boulton@arlaw.com

edward.playfair@arlaw.com

ATTORNEYS FOR AEGIS SCIENCES  
CORPORATION

**CERTIFICATE OF SERVICE**

I certify that a true and complete copy of the foregoing Notice of Opposition has been served on Opposer's counsel of record by emailing said copy on September 14, 2018 to:

Ashley Johnson  
NK Patent Law  
4917 Waters Edge Drive, Suite 275  
Raleigh, North Carolina 27606  
Email: [ajohnson@nkpatentlaw.com](mailto:ajohnson@nkpatentlaw.com)  
[docket@nkpatentlaw.com](mailto:docket@nkpatentlaw.com)

/Maia T. Woodhouse/  
Attorney for Aegis Sciences Corporation

# **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2018-09-14 17:41:22 EDT

Mark: AEGIS

**AEGIS**

US Serial Number: 76070034

Application Filing Date: Jun. 13, 2000

US Registration Number: 2544255

Registration Date: Mar. 05, 2002

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Mar. 05, 2012

Publication Date: Mar. 27, 2001

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## Mark Information

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Mark Literal Elements: AEGIS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Related Properties Information

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International Registration Number: 1092619

International Application(s) /Registration(s) Based on this Property: A0025141/1092619

---

## 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: Drug testing for substance abuse

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 1990

Use in Commerce: Jul. 01, 1990

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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

## Current Owner(s) Information

**Owner Name:** AEGIS SCIENCES CORPORATION

**Owner Address:** 515 Great Circle Road  
Nashville, TENNESSEE 37228  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Edward Playfair

**Docket Number:** 602956-00000

**Attorney Primary Email Address:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Edward Playfair  
ADAMS AND REESE LLP  
424 Church Street  
Suite 2800  
NASHVILLE, TENNESSEE 37219  
UNITED STATES

**Phone:** (615) 259-1450

**Fax:** (615) 259-1470

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 03, 2013	NOTICE OF SUIT	
Mar. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 05, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Mar. 05, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Feb. 15, 2012	TEAS SECTION 8 & 9 RECEIVED	
Aug. 27, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 27, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 16, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Feb. 06, 2008	ASSIGNED TO PARALEGAL	70131
Feb. 04, 2008	TEAS SECTION 8 & 15 RECEIVED	
Mar. 28, 2007	CASE FILE IN TICRS	
Mar. 05, 2002	REGISTERED-PRINCIPAL REGISTER	
Apr. 25, 2001	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 27, 2001	PUBLISHED FOR OPPOSITION	
Mar. 14, 2001	NOTICE OF PUBLICATION	
Dec. 27, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 19, 2000	ASSIGNED TO EXAMINER	76502

## Maintenance Filings or Post Registration Information

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

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

Renewal Date: Mar. 05, 2012

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 05, 2012

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 8

Registrant: Aegis Analytical Laboratories, Inc.

### Assignment 1 of 8

Conveyance: MERGER

Reel/Frame: [3196/0928](#)

Pages: 5

Date Recorded: Nov. 18, 2005

Supporting Documents: [assignment-tm-3196-0928.pdf](#)

#### Assignor

Name: [AEGIS ANALYTICAL LABORATORIES, INC.](#)

Execution Date: Dec. 13, 2000

Legal Entity Type: CORPORATION

State or Country: TENNESSEE

Where Organized:

#### Assignee

Name: [AEGIS SCIENCES CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country: DELAWARE

Where Organized:

Address: 345 HILL AVENUE  
NASHVILLE, TENNESSEE 37210

#### Correspondent

Correspondent Name: MICOL CECCHI

Correspondent Address: 424 CHURCH STREET  
SUITE 2800  
NASHVILLE, TN 37219

### Domestic Representative - Not Found

### Assignment 2 of 8

Conveyance: MERGER EFFECTIVE 12312006

Reel/Frame: [4150/0896](#)

Pages: 9

Date Recorded: Feb. 17, 2010

Supporting Documents: [assignment-tm-4150-0896.pdf](#)

#### Assignor

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Dec. 07, 2006

Legal Entity Type: CORPORATION

State or Country: DELAWARE

Where Organized:

#### Assignee

Name: [NEW ASC, INC.](#)

Legal Entity Type: CORPORATION

State or Country: TENNESSEE

Where Organized:

Address: 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37228

#### Correspondent

Correspondent Name: EDWARD PLAYFAIR, ADAMS AND REESE LLP

Correspondent Address: 424 CHURCH STREET  
SUITE 2800  
NASHVILLE, TN 37219

Domestic Representative - Not Found

Assignment 3 of 8

Conveyance: CHANGE OF NAME

Reel/Frame: [4150/0905](#)

Pages: 3

Date Recorded: Feb. 17, 2010

Supporting Documents: [assignment-tm-4150-0905.pdf](#)

Assignor

Name: [NEW ASC, INC.](#)

Execution Date: Dec. 07, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Assignee

Name: [AEGIS SCIENCES CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Address: 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37228

Correspondent

Correspondent Name: EDWARD PLAYFAIR, ADAMS AND REESE LLP

Correspondent Address: 424 CHURCH STREET  
SUITE 2800  
NASHVILLE, TN 37219

Domestic Representative - Not Found

Assignment 4 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [4301/0685](#)

Pages: 11

Date Recorded: Oct. 21, 2010

Supporting Documents: [assignment-tm-4301-0685.pdf](#)

Assignor

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Oct. 21, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Assignee

Name: [MADISON CAPITAL FUNDING LLC, AS AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 30 SOUTH WACKER, SUITE 3700  
CHICAGO, ILLINOIS 60606

Correspondent

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN

Correspondent Address: 525 W MONROE STREET  
CHICAGO, IL 60661

Domestic Representative - Not Found

Assignment 5 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5227/0783](#)

Pages: 6

Date Recorded: Feb. 28, 2014

Supporting Documents: [assignment-tm-5227-0783.pdf](#)

Assignor

Name: [MADISON CAPITAL FUNDING LLC](#)

Execution Date: Feb. 24, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee****Name:** [AEGIS SCIENCES CORPORATION](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** TENNESSEE**Address:** 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37228**Correspondent****Correspondent Name:** KIRKLAND & ELLIS LLP**Correspondent Address:** ATTN HAYLEY SMITH, SR. LEGAL ASSISTANT  
601 LEXINGTON AVENUE  
NEW YORK, NY 10022**Domestic Representative - Not Found****Assignment 6 of 8****Conveyance:** FIRST LIEN SECURITY AGREEMENT**Reel/Frame:** [5230/0044](#)**Pages:** 9**Date Recorded:** Mar. 04, 2014**Supporting Documents:** [assignment-tm-5230-0044.pdf](#)**Assignor****Name:** [AEGIS SCIENCES CORPORATION](#)**Execution Date:** Feb. 24, 2014**Legal Entity Type:** CORPORATION**State or Country Where Organized:** TENNESSEE**Assignee****Name:** [MORGAN STANLEY SENIOR FUNDING, INC. AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** BANK**State or Country Where Organized:** UNITED STATES**Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231**Correspondent****Correspondent Name:** KEN TAN, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005**Domestic Representative - Not Found****Assignment 7 of 8****Conveyance:** SECOND LIEN SECURITY AGREEMENT**Reel/Frame:** [5230/0634](#)**Pages:** 9**Date Recorded:** Mar. 05, 2014**Supporting Documents:** [assignment-tm-5230-0634.pdf](#)**Assignor****Name:** [AEGIS SCIENCES CORPORATION](#)**Execution Date:** Feb. 24, 2014**Legal Entity Type:** CORPORATION**State or Country Where Organized:** TENNESSEE**Assignee****Name:** [MORGAN STANLEY SENIOR FUNDING, INC., AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** BANK**State or Country Where Organized:** UNITED STATES**Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231**Correspondent****Correspondent Name:** KEN TAN, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP



NEW YORK, NY 10005

**Domestic Representative - Not Found**

**Assignment 8 of 8**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [6379/0415](#)

**Pages:** 7

**Date Recorded:** May 09, 2018

**Supporting Documents:** [assignment-tm-6379-0415.pdf](#)

**Assignor**

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC.](#)

**Execution Date:** May 09, 2018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [AEGIS SCIENCES CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

**Address:** 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37210

**Correspondent**

**Correspondent Name:** CT CORPORATION

**Correspondent Address:** 4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

**Number of Proceedings:** 5

**Type of Proceeding: Opposition**

**Proceeding Number:** [91217470](#)

**Filing Date:** Jul 21, 2014

**Status:** Terminated

**Status Date:** Sep 15, 2014

**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** Alere Switzerland GmbH

**Correspondent Address:** JENEVIEVE MAERKER  
FOLEY HOAG LLP  
155 SEAPORT BOULEVARD  
BOSTON MA , 02210  
UNITED STATES

**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGISPOC	Abandoned - After Inter-Partes Decision	<a href="#">86065612</a>	

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation

**Correspondent Address:** EDWARD H L PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET SUITE 2700  
Nashville TN , 37219  
UNITED STATES

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com) , [melissa.rizzo@arlaw.com](mailto:melissa.rizzo@arlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 21, 2014	Aug 30, 2014
3	PENDING, INSTITUTED	Jul 21, 2014	
4	W/DRAW OF APPLICATION	Aug 29, 2014	
5	BD DECISION: DISMISSED W/O PREJ	Sep 15, 2014	
6	TERMINATED	Sep 15, 2014	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91217471](#) **Filing Date:** Jul 21, 2014  
**Status:** Terminated **Status Date:** Oct 10, 2014  
**Interlocutory Attorney:** CHERYL S GOODMAN

#### Defendant

**Name:** Alere Switzerland GmbH  
**Correspondent Address:** JENEVIEVE MAERKER  
 FOLEY HOAG LLP  
 155 SEAPORT BOULEVARD  
 BOSTON MA , 02210  
 UNITED STATES  
**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
AEGISPOC	Abandoned - After Inter-Partes Decision	<a href="#">86065624</a>	

#### Plaintiff(s)

**Name:** Aegis Sciences Corporation  
**Correspondent Address:** EDWARD PLAYFAIR  
 ADAMS AND REESE LLP  
 424 CHURCH STREET SUITE 2700  
 NASHVILLE TN , 37219  
 UNITED STATES  
**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS SHIELD	Registered	<a href="#">85979774</a>	<a href="#">4404849</a>
AEGIS NATAL CARE	Registered	<a href="#">85837055</a>	<a href="#">4467764</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 21, 2014	Aug 30, 2014
3	PENDING, INSTITUTED	Jul 21, 2014	
4	W/DRAW OF APPLICATION	Aug 29, 2014	
5	RESPONSE DUE	Oct 01, 2014	
6	W/DRAW OF APPLICATION	Oct 07, 2014	

7 BD DECISION: DISMISSED W/O PREJ Oct 10, 2014  
8 TERMINATED Oct 10, 2014

**Type of Proceeding: Opposition**

**Proceeding Number:** [91195796](#) **Filing Date:** Jul 26, 2010  
**Status:** Terminated **Status Date:** May 05, 2011  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Golden Gate Ancillary LLC  
**Correspondent Address:** PATRICK C STEPHENSON  
KUTAK ROCK LLP  
THE OMAHA BUILDING, 1650 FARNAM STREET  
OMAHA NE , 68102-2104  
UNITED STATES  
**Correspondent e-mail:** [patrick.stephenson@kutakrock.com](mailto:patrick.stephenson@kutakrock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS THERAPIES	Abandoned - No Statement Of Use Filed	<a href="#">77814766</a>	

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation  
**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS and REESE LLP  
424 CHURCH STREET, SUTIE 2800  
NASHVILLE TN , 37219  
UNITED STATES  
**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	ANSWER	Sep 03, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	
6	SUSPENDED	Sep 24, 2010	
7	CONSOLIDATED - CHILD OF 91195701	Sep 30, 2010	
8	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011	
9	TERMINATED	May 05, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91195701](#) **Filing Date:** Jul 19, 2010  
**Status:** Terminated **Status Date:** May 05, 2011  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Golden Gate Ancillary LLC  
**Correspondent Address:** PATRICK C STEPHENSON  
KUTAK ROCK LLP

THE OMAHA BUILDING, 1650 FARNAM STREET  
OMAHA NE , 68102-2104  
UNITED STATES

Correspondent e-mail: [Patrick.Stephenson@KutakRock.com](mailto:Patrick.Stephenson@KutakRock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77814768</a>	<a href="#">4191000</a>

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation

**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET, SUITE 2800  
NASHVILLE TN , 37219  
UNITED STATES

Correspondent e-mail: [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 19, 2010	Aug 28, 2010
3	PENDING, INSTITUTED	Jul 19, 2010	
4	ANSWER	Aug 30, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	
6	SUSPENDED	Sep 24, 2010	
7	CONSOLIDATED - PARENT OF 91195796	Sep 30, 2010	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Oct 05, 2010	
9	EXTENSION OF TIME GRANTED	Oct 16, 2010	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 23, 2010	
11	SUSPENDED	Dec 23, 2010	
12	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 23, 2010	
13	SUSPENDED	Jan 18, 2011	
14	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 28, 2011	
15	SUSPENDED	Feb 07, 2011	
16	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Mar 02, 2011	
17	SUSPENDED	Mar 09, 2011	
18	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Apr 01, 2011	
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Apr 07, 2011	
20	D'S REQUEST TO AMEND APPLICATIONS	Apr 26, 2011	
21	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 28, 2011	May 28, 2011
22	WITHDRAWAL OF OPPOSITION	May 04, 2011	
23	WITHDRAWAL OF OPPOSITION	May 04, 2011	
24	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011	
25	TERMINATED	May 05, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91173761](#)

**Filing Date:** Oct 27, 2006

**Status:** Terminated

**Status Date:** Sep 30, 2008

**Interlocutory** YONG OH (RICHARD) KIM

**Attorney:****Defendant****Name:** Agis Industries (1983) Ltd.**Correspondent Address:** THOMAS W. BROOKE  
HOLLAND & KNIGHT LLP  
2099 PENNSYLVANIA AVENUE N.W. , STE 100  
WASHINGTON DC , 20006  
UNITED STATES**Correspondent e-mail:** [anthony.masiello@hklaw.com](mailto:anthony.masiello@hklaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AGIS	Abandoned - No Statement Of Use Filed	<a href="#">76556911</a>	

**Plaintiff(s)****Name:** Aegis Sciences Corporation**Correspondent Address:** Reber M. Boulton  
Adams and Reese LLP  
424 Church Street, Suite 2800  
Nashville TN , 37219  
UNITED STATES**Correspondent e-mail:** [HAVERLY.RAUEN@arlaw.com](mailto:HAVERLY.RAUEN@arlaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 27, 2006	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 03, 2006	Dec 13, 2006
3	PENDING, INSTITUTED	Nov 03, 2006	
4	NOTICE OF DEFAULT	Dec 28, 2006	
5	P'S MOTION TO SUSPEND	Jan 11, 2007	
6	SUSPENDED	Feb 05, 2007	
7	NOTICE OF DEFAULT	Sep 25, 2007	
8	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2007	
9	NOTICE OF DEFAULT SET ASIDE; PROCEEDINGS SUSPENDED	Oct 24, 2007	
10	STIPULATION FOR AN EXTENSION OF TIME	Mar 04, 2008	
11	EXTENSION OF TIME GRANTED	Mar 11, 2008	
12	STIPULATION FOR AN EXTENSION OF TIME	Apr 04, 2008	
13	EXTENSION OF TIME GRANTED	Apr 07, 2008	
14	STIPULATION FOR AN EXTENSION OF TIME	May 02, 2008	
15	EXTENSION OF TIME GRANTED	May 02, 2008	
16	STIPULATION FOR AN EXTENSION OF TIME	May 05, 2008	
17	EXTENSION OF TIME GRANTED	May 12, 2008	
18	STIPULATION FOR AN EXTENSION OF TIME	Jun 04, 2008	
19	EXTENSION OF TIME GRANTED	Jun 04, 2008	
20	STIPULATION FOR AN EXTENSION OF TIME	Jun 04, 2008	
21	EXTENSION OF TIME GRANTED	Jun 16, 2008	
22	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jul 07, 2008	
23	SUSPENDED	Jul 07, 2008	
24	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jul 28, 2008	
25	SUSPENDED	Jul 28, 2008	
26	MOTION TO AMEND APPLICATION	Aug 01, 2008	
27	AMDT APPROVED; PL ALLOWED 30 DAYS W/D	Aug 13, 2008	
28	WITHDRAWAL OF OPPOSITION	Sep 11, 2008	
	BD'S DECISION: DISMISSED W/O PREJUDICE		

29  
30

TERMINATED

Sep 30, 2008  
Sep 30, 2008

## **EXHIBIT 2**

Generated on: This page was generated by TSDR on 2018-09-14 17:43:43 EDT

Mark: AEGIS

# AEGIS

US Serial Number: 85015093

Application Filing Date: Apr. 15, 2010

US Registration Number: 4086011

Registration Date: Jan. 17, 2012

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 23, 2017

Publication Date: Jul. 26, 2011

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## Mark Information

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Mark Literal Elements: AEGIS

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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International Registration Number: 1092619

International Application(s) /Registration(s) Based on this Property: A0025141/1092619

Claimed Ownership of US Registrations: 2544255, 3498957, 3610392

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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:** Testing substances for the purpose of identifying drugs, steroids, medications and alcohol, and consulting related thereto; testing of dietary, food and nutritional products, and consulting related thereto; toxicology services and consulting related thereto; scientific research and analysis in the field of pharmacology; pharmacology consulting services; forensic science services, namely, research in the nature of analysis, detection and isolation of drugs, steroids, medications and alcohol in forensic samples; forensic science consulting services; consulting services in the field of crime laboratory research; scientific consulting services in the field of foods

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)



**First Use:** Jul. 01, 1990

**Use in Commerce:** Jul. 01, 1990

**For:** Consulting services in the fields of health, nutrition, medical examination and pain management; providing health and medical information in the fields of drugs, steroids, and dietary, food and nutritional products; consulting services in the field of sports doping and substance abuse prevention and testing programs; administration of substance abuse testing programs for sports organizations, educational establishments and businesses; medical substance use and abuse testing; screening and identification services for the use of drugs, steroids, medications and alcohol, and consulting related thereto; medical compliance testing services, namely, testing of use of drugs and medications to ensure compliance, and consulting related thereto; drugs, steroids, medications and alcohol screening for sports doping and substance abuse prevention purposes, and consulting related thereto

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 01, 1990

**Use in Commerce:** Jul. 01, 1990

**For:** Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules; expert witness services in legal matters in the fields of sports doping and substance use and abuse; consulting services in the field of crime scene investigation; drugs, steroids, medications and alcohol screening for security and employment purposes, and consulting related thereto

**International Class(es):** 045 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 01, 1990

**Use in Commerce:** Jul. 01, 1990

## Basis Information (Case Level)

**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

## Current Owner(s) Information

**Owner Name:** Aegis Sciences Corporation

**Owner Address:** 515 Great Circle Road  
Nashville, TENNESSEE UNITED STATES 37228

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Edward Playfair

**Docket Number:** 602956-4

**Attorney Primary Email Address:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Edward Playfair  
Adams and Reese LLP  
424 Church Street  
Suite 2700  
Nashville, TENNESSEE UNITED STATES 37219

**Phone:** 6152591450

**Fax:** 6152591470

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Proceeding

Date	Description	Number
Apr. 23, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 23, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Apr. 23, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Apr. 04, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	67110
Apr. 04, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Feb. 06, 2017	TEAS SECTION 8 & 15 RECEIVED	
Jan. 17, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 03, 2013	NOTICE OF SUIT	
Jan. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 09, 2011	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Aug. 24, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 26, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 26, 2011	PUBLISHED FOR OPPOSITION	
Jun. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jun. 20, 2011	ASSIGNED TO LIE	73296
Jun. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 04, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 03, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
May 18, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 18, 2011	LETTER OF SUSPENSION E-MAILED	6332
May 18, 2011	SUSPENSION LETTER WRITTEN	76615
Apr. 27, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 27, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Feb. 23, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 23, 2011	LETTER OF SUSPENSION E-MAILED	6332
Feb. 23, 2011	SUSPENSION LETTER WRITTEN	76615
Jan. 28, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 27, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 28, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 28, 2010	NON-FINAL ACTION E-MAILED	6325
Jul. 28, 2010	NON-FINAL ACTION WRITTEN	76615
Jul. 22, 2010	ASSIGNED TO EXAMINER	76615
Apr. 20, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2010	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

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

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

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Apr. 23, 2017

## Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: Aegis Sciences Corporation

**Assignment 1 of 5**

Conveyance: SECURITY INTEREST

Reel/Frame: [4301/0685](#)

Pages: 11

Date Recorded: Oct. 21, 2010

Supporting Documents: [assignment-tm-4301-0685.pdf](#)

**Assignor**

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Oct. 21, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

**Assignee**

Name: [MADISON CAPITAL FUNDING LLC, AS AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 30 SOUTH WACKER, SUITE 3700  
CHICAGO, ILLINOIS 60606

**Correspondent**

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN

Correspondent Address: 525 W MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found**

**Assignment 2 of 5**

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5227/0783](#)

Pages: 6

Date Recorded: Feb. 28, 2014

Supporting Documents: [assignment-tm-5227-0783.pdf](#)

**Assignor**

Name: [MADISON CAPITAL FUNDING LLC](#)

Execution Date: Feb. 24, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee**

Name: [AEGIS SCIENCES CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Address: 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37228

**Correspondent**

Correspondent Name: KIRKLAND & ELLIS LLP

Correspondent Address: ATTN HAYLEY SMITH, SR. LEGAL ASSISTANT  
601 LEXINGTON AVENUE  
NEW YORK, NY 10022

**Domestic Representative - Not Found**

**Assignment 3 of 5**

Conveyance: FIRST LIEN SECURITY AGREEMENT

Reel/Frame: [5230/0044](#)

Pages: 9

Date Recorded: Mar. 04, 2014

Supporting Documents: [assignment-tm-5230-0044.pdf](#)

**Assignor**

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Feb. 24, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

**Assignee****Name:** [MORGAN STANLEY SENIOR FUNDING, INC. AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** BANK**State or Country** UNITED STATES  
**Where Organized:****Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231**Correspondent****Correspondent Name:** KEN TAN, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005**Domestic Representative - Not Found****Assignment 4 of 5****Conveyance:** SECOND LIEN SECURITY AGREEMENT**Reel/Frame:** [5230/0634](#)**Pages:** 9**Date Recorded:** Mar. 05, 2014**Supporting Documents:** [assignment-tm-5230-0634.pdf](#)**Assignor****Name:** [AEGIS SCIENCES CORPORATION](#)**Execution Date:** Feb. 24, 2014**Legal Entity Type:** CORPORATION**State or Country** TENNESSEE  
**Where Organized:****Assignee****Name:** [MORGAN STANLEY SENIOR FUNDING, INC., AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** BANK**State or Country** UNITED STATES  
**Where Organized:****Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231**Correspondent****Correspondent Name:** KEN TAN, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005**Domestic Representative - Not Found****Assignment 5 of 5****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [6379/0415](#)**Pages:** 7**Date Recorded:** May 09, 2018**Supporting Documents:** [assignment-tm-6379-0415.pdf](#)**Assignor****Name:** [MORGAN STANLEY SENIOR FUNDING, INC.](#)**Execution Date:** May 09, 2018**Legal Entity Type:** CORPORATION**State or Country** DELAWARE  
**Where Organized:****Assignee****Name:** [AEGIS SCIENCES CORPORATION](#)**Legal Entity Type:** CORPORATION**State or Country** TENNESSEE  
**Where Organized:****Address:** 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37210**Correspondent****Correspondent Name:** CT CORPORATION**Correspondent Address:** 4400 EASTON COMMONS WAY  
SUITE 125

## Proceedings

### Summary

Number of  
Proceedings: 5

### Type of Proceeding: Opposition

Proceeding  
Number: [91217470](#)

Filing Date: Jul 21, 2014

Status: Terminated

Status Date: Sep 15, 2014

Interlocutory  
Attorney: JENNIFER KRISP

### Defendant

Name: Alere Switzerland GmbH

Correspondent  
Address: JENEVIEVE MAERKER  
FOLEY HOAG LLP  
155 SEAPORT BOULEVARD  
BOSTON MA UNITED STATES , 02210

Correspondent e-  
mail: [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
AEGISPOC	Abandoned - After Inter-Partes Decision	<a href="#">86065612</a>	

### Plaintiff(s)

Name: Aegis Sciences Corporation

Correspondent  
Address: EDWARD H L PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET SUITE 2700  
Nashville TN UNITED STATES , 37219

Correspondent e-  
mail: [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com) , [melissa.rizzo@arlaw.com](mailto:melissa.rizzo@arlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 21, 2014	Aug 30, 2014
3	PENDING, INSTITUTED	Jul 21, 2014	
4	W/DRAW OF APPLICATION	Aug 29, 2014	
5	BD DECISION: DISMISSED W/O PREJ	Sep 15, 2014	
6	TERMINATED	Sep 15, 2014	

### Type of Proceeding: Opposition

Proceeding  
Number: [91217471](#)

Filing Date: Jul 21, 2014

Status: Terminated

Status Date: Oct 10, 2014

Interlocutory  
Attorney: CHERYL S GOODMAN

### Defendant

Name: Alere Switzerland GmbH

Correspondent  
Address: JENEVIEVE MAERKER  
FOLEY HOAG LLP

155 SEAPORT BOULEVARD  
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

Mark	Application Status	Serial Number	Registration Number
AEGISPOC	Abandoned - After Inter-Partes Decision	<a href="#">86065624</a>	

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation

**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET SUITE 2700  
NASHVILLE TN UNITED STATES , 37219

Correspondent e-mail: [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS SHIELD	Registered	<a href="#">85979774</a>	<a href="#">4404849</a>
AEGIS NATAL CARE	Registered	<a href="#">85837055</a>	<a href="#">4467764</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 21, 2014	Aug 30, 2014
3	PENDING, INSTITUTED	Jul 21, 2014	
4	W/DRAW OF APPLICATION	Aug 29, 2014	
5	RESPONSE DUE	Oct 01, 2014	
6	W/DRAW OF APPLICATION	Oct 07, 2014	
7	BD DECISION: DISMISSED W/O PREJ	Oct 10, 2014	
8	TERMINATED	Oct 10, 2014	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [85015093](#) **Filing Date:** Aug 24, 2011

**Status:** Terminated **Status Date:** Dec 09, 2011

**Interlocutory Attorney:**

**Defendant**

**Name:** Aegis Sciences Corporation

**Correspondent Address:** Edward Playfair  
Adams and Reese LLP  
Suite 2800 424 Church Street  
Nashville TN UNITED STATES , 37219

Mark	Application Status	Serial Number	Registration Number
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Potential Opposer(s)**

**Name:** Aegis Food Testing Laboratories, Inc.

**Correspondent Address:** Michael T. Griggs  
Boyle Fredrickson SC  
840 N. Plankinton Ave.  
Milwaukee WI UNITED STATES , 53203

Correspondent e-mail: [mtg@boylefred.com](mailto:mtg@boylefred.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 24, 2011	
2	EXTENSION OF TIME GRANTED	Aug 24, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91195796](#) **Filing Date:** Jul 26, 2010  
**Status:** Terminated **Status Date:** May 05, 2011  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Golden Gate Ancillary LLC  
**Correspondent Address:** PATRICK C STEPHENSON  
 KUTAK ROCK LLP  
 THE OMAHA BUILDING, 1650 FARNAM STREET  
 OMAHA NE UNITED STATES , 68102-2104  
**Correspondent e-mail:** [patrick.stephenson@kutakrock.com](mailto:patrick.stephenson@kutakrock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS THERAPIES	Abandoned - No Statement Of Use Filed	<a href="#">77814766</a>	

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation  
**Correspondent Address:** EDWARD PLAYFAIR  
 ADAMS and REESE LLP  
 424 CHURCH STREET, SUTIE 2800  
 NASHVILLE TN UNITED STATES , 37219  
**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	ANSWER	Sep 03, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	
6	SUSPENDED	Sep 24, 2010	
7	CONSOLIDATED - CHILD OF 91195701	Sep 30, 2010	
8	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011	
9	TERMINATED	May 05, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91195701](#) **Filing Date:** Jul 19, 2010  
**Status:** Terminated **Status Date:** May 05, 2011  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Golden Gate Ancillary LLC  
**Correspondent** PATRICK C STEPHENSON

**Address:** KUTAK ROCK LLP  
THE OMAHA BUILDING, 1650 FARNAM STREET  
OMAHA NE UNITED STATES , 68102-2104

**Correspondent e-mail:** [Patrick.Stephenson@KutakRock.com](mailto:Patrick.Stephenson@KutakRock.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77814768</a>	<a href="#">4191000</a>
<b>Plaintiff(s)</b>			

**Name:** Aegis Sciences Corporation

**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET, SUITE 2800  
NASHVILLE TN UNITED STATES , 37219

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 19, 2010	Aug 28, 2010
3	PENDING, INSTITUTED	Jul 19, 2010	
4	ANSWER	Aug 30, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	
6	SUSPENDED	Sep 24, 2010	
7	CONSOLIDATED - PARENT OF 91195796	Sep 30, 2010	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Oct 05, 2010	
9	EXTENSION OF TIME GRANTED	Oct 16, 2010	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 23, 2010	
11	SUSPENDED	Dec 23, 2010	
12	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 23, 2010	
13	SUSPENDED	Jan 18, 2011	
14	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 28, 2011	
15	SUSPENDED	Feb 07, 2011	
16	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Mar 02, 2011	
17	SUSPENDED	Mar 09, 2011	
18	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Apr 01, 2011	
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Apr 07, 2011	
20	D'S REQUEST TO AMEND APPLICATIONS	Apr 26, 2011	
21	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 28, 2011	May 28, 2011
22	WITHDRAWAL OF OPPOSITION	May 04, 2011	
23	WITHDRAWAL OF OPPOSITION	May 04, 2011	
24	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011	
25	TERMINATED	May 05, 2011	



# **EXHIBIT 3**

Generated on: This page was generated by TSDR on 2018-09-14 17:51:54 EDT

Mark: AEGIS



US Serial Number: 77394899

Application Filing Date: Feb. 12, 2008

US Registration Number: 3498957

Registration Date: Sep. 09, 2008

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 21, 2018

Publication Date: Jun. 24, 2008

## Mark Information

Mark Literal Elements: AEGIS

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 the word "AEGIS", stylized. The horizontal line in the letter "A" in "AEGIS" makes an arc up and over letters "E" and "G".

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

Design Search Code(s): 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
27.03.01 - Geometric figures forming letters, numerals or punctuation

## Goods and Services

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: Drug testing for substance abuse

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2006

Use in Commerce: Jan. 2006

## Basis Information (Case Level)

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

## Current Owner(s) Information

**Owner Name:** Aegis Sciences Corporation

**Owner Address:** 515 Great Circle Road  
Nashville, TENNESSEE UNITED STATES 37228

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Edward Playfair

**Docket Number:** 602956-4

**Attorney Primary Email Address:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Edward Playfair  
Adams and Reese LLP  
424 Church Street  
Suite 2700  
Nashville, TENNESSEE UNITED STATES 37219

**Phone:** 615-259-1450

**Fax:** 615-259-1470

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 21, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 21, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Aug. 21, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Aug. 21, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Aug. 09, 2018	TEAS SECTION 8 & 9 RECEIVED	
Sep. 09, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Aug. 29, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 29, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Aug. 27, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Aug. 12, 2014	TEAS SECTION 8 & 15 RECEIVED	
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 27, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 27, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 09, 2008	REGISTERED-PRINCIPAL REGISTER	
Jun. 24, 2008	PUBLISHED FOR OPPOSITION	
Jun. 04, 2008	NOTICE OF PUBLICATION	
May 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
May 22, 2008	ASSIGNED TO LIE	68658
May 22, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 22, 2008	ASSIGNED TO EXAMINER	76502
Feb. 16, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Feb. 15, 2008	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

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

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

Renewal Date: Sep. 09, 2018

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 21, 2018

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 5

Registrant: Aegis Sciences Corporation

### Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4301/0685](#)

Pages: 11

Date Recorded: Oct. 21, 2010

Supporting Documents: [assignment-tm-4301-0685.pdf](#)

#### Assignor

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Oct. 21, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

#### Assignee

Name: [MADISON CAPITAL FUNDING LLC, AS AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 30 SOUTH WACKER, SUITE 3700  
CHICAGO, ILLINOIS 60606

#### Correspondent

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN

Correspondent Address: 525 W MONROE STREET  
CHICAGO, IL 60661

#### Domestic Representative - Not Found

### Assignment 2 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5227/0783](#)

Pages: 6

Date Recorded: Feb. 28, 2014

Supporting Documents: [assignment-tm-5227-0783.pdf](#)

#### Assignor

Name: [MADISON CAPITAL FUNDING LLC](#)

Execution Date: Feb. 24, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

#### Assignee

Name: [AEGIS SCIENCES CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Address: 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37228

#### Correspondent

Correspondent Name: KIRKLAND & ELLIS LLP

Correspondent Address: ATTN HAYLEY SMITH, SR. LEGAL ASSISTANT  
601 LEXINGTON AVENUE  
NEW YORK, NY 10022

#### Domestic Representative - Not Found

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**Assignment 3 of 5**

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**Conveyance:** FIRST LIEN SECURITY AGREEMENT

**Reel/Frame:** [5230/0044](#)

**Pages:** 9

**Date Recorded:** Mar. 04, 2014

**Supporting Documents:** [assignment-tm-5230-0044.pdf](#)

**Assignor**

**Name:** [AEGIS SCIENCES CORPORATION](#)

**Execution Date:** Feb. 24, 2014

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

**Assignee**

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC. AS ADMINISTRATIVE AGENT](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231

**Correspondent**

**Correspondent Name:** KEN TAN, LEGAL ASSISTANT

**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

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**Assignment 4 of 5**

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**Conveyance:** SECOND LIEN SECURITY AGREEMENT

**Reel/Frame:** [5230/0634](#)

**Pages:** 9

**Date Recorded:** Mar. 05, 2014

**Supporting Documents:** [assignment-tm-5230-0634.pdf](#)

**Assignor**

**Name:** [AEGIS SCIENCES CORPORATION](#)

**Execution Date:** Feb. 24, 2014

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

**Assignee**

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC. AS ADMINISTRATIVE AGENT](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231

**Correspondent**

**Correspondent Name:** KEN TAN, LEGAL ASSISTANT

**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

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**Assignment 5 of 5**

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**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [6379/0415](#)

**Pages:** 7

**Date Recorded:** May 09, 2018

**Supporting Documents:** [assignment-tm-6379-0415.pdf](#)

**Assignor**

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC.](#)

**Execution Date:** May 09, 2018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee****Name:** [AEGIS SCIENCES CORPORATION](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** TENNESSEE**Address:** 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37210**Correspondent****Correspondent Name:** CT CORPORATION**Correspondent Address:** 4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219**Domestic Representative - Not Found**

## Proceedings

**Summary****Number of Proceedings:** 2**Type of Proceeding: Opposition****Proceeding Number:** [91195796](#)**Filing Date:** Jul 26, 2010**Status:** Terminated**Status Date:** May 05, 2011**Interlocutory Attorney:** ANN LINNEHAN VOGLER**Defendant****Name:** Golden Gate Ancillary LLC**Correspondent Address:** PATRICK C STEPHENSON  
KUTAK ROCK LLP  
THE OMAHA BUILDING, 1650 FARNAM STREET  
OMAHA NE UNITED STATES , 68102-2104**Correspondent e-mail:** [patrick.stephenson@kutakrock.com](mailto:patrick.stephenson@kutakrock.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS THERAPIES	Abandoned - No Statement Of Use Filed	<a href="#">77814766</a>	

**Plaintiff(s)****Name:** Aegis Sciences Corporation**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS and REESE LLP  
424 CHURCH STREET, SUTIE 2800  
NASHVILLE TN UNITED STATES , 37219**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	ANSWER	Sep 03, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	

6	SUSPENDED	Sep 24, 2010
7	CONSOLIDATED - CHILD OF 91195701	Sep 30, 2010
8	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011
9	TERMINATED	May 05, 2011

**Type of Proceeding: Opposition**

**Proceeding Number:** [91195701](#) **Filing Date:** Jul 19, 2010  
**Status:** Terminated **Status Date:** May 05, 2011  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Golden Gate Ancillary LLC  
**Correspondent Address:** PATRICK C STEPHENSON  
KUTAK ROCK LLP  
THE OMAHA BUILDING, 1650 FARNAM STREET  
OMAHA NE UNITED STATES , 68102-2104  
**Correspondent e-mail:** [Patrick.Stephenson@KutakRock.com](mailto:Patrick.Stephenson@KutakRock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ENERG BY AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77814768</a>	<a href="#">4191000</a>

**Plaintiff(s)**

**Name:** Aegis Sciences Corporation  
**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET, SUITE 2800  
NASHVILLE TN UNITED STATES , 37219  
**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	REGISTERED AND RENEWED	<a href="#">77394899</a>	<a href="#">3498957</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 19, 2010	Aug 28, 2010
3	PENDING, INSTITUTED	Jul 19, 2010	
4	ANSWER	Aug 30, 2010	
5	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Sep 24, 2010	
6	SUSPENDED	Sep 24, 2010	
7	CONSOLIDATED - PARENT OF 91195796	Sep 30, 2010	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Oct 05, 2010	
9	EXTENSION OF TIME GRANTED	Oct 16, 2010	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 23, 2010	
11	SUSPENDED	Dec 23, 2010	
12	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 23, 2010	
13	SUSPENDED	Jan 18, 2011	
14	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 28, 2011	
15	SUSPENDED	Feb 07, 2011	
16	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Mar 02, 2011	
17	SUSPENDED	Mar 09, 2011	
18	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Apr 01, 2011	

19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Apr 07, 2011	
20	D'S REQUEST TO AMEND APPLICATIONS	Apr 26, 2011	
21	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 28, 2011	May 28, 2011
22	WITHDRAWAL OF OPPOSITION	May 04, 2011	
23	WITHDRAWAL OF OPPOSITION	May 04, 2011	
24	BD'S DECISION: DISMISSED W/O PREJUDICE	May 05, 2011	
25	TERMINATED	May 05, 2011	



# **EXHIBIT 4**

**Generated on:** This page was generated by TSDR on 2018-09-14 17:54:41 EDT

**Mark:** AEGIS SHIELD

AEGIS SHIELD

**US Serial Number:** 85979774

**Application Filing Date:** Nov. 09, 2011

**US Registration Number:** 4404849

**Registration Date:** Sep. 17, 2013

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Sep. 17, 2013

**Publication Date:** Sep. 25, 2012

**Notice of Allowance Date:** Mar. 26, 2013

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## Mark Information

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**Mark Literal Elements:** AEGIS SHIELD

**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:** 2544255, 4086011 and others

**Child Of:** 85467981

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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:** Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies' and sports teams' anti-doping rules

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 16, 2012

**Use in Commerce:** May 16, 2012

**For:** Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 2012

**Use in Commerce:** Apr. 2012

**For:** Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules

**International Class(es):** 045 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 2012

**Use in Commerce:** Apr. 2012

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**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

## Current Owner(s) Information

**Owner Name:** Aegis Sciences Corporation

**Owner Address:** 515 Great Circle Road  
Nashville, TENNESSEE UNITED STATES 37228

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Edward Playfair

**Docket Number:** 602956-00000

**Attorney Primary Email Address:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH ST STE 2800  
NASHVILLE, TENNESSEE UNITED STATES 37219-2386

**Phone:** (615) 259-1450

**Fax:** (615) 259-1470

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 15, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Aug. 14, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 25, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
Jun. 26, 2013	USE AMENDMENT FILED	76538
Jul. 25, 2013	DIVISIONAL PROCESSING COMPLETE	
Jun. 26, 2013	DIVISIONAL REQUEST RECEIVED	

Jul. 19, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jun. 26, 2013	TEAS REQUEST TO DIVIDE RECEIVED	
Jun. 26, 2013	TEAS STATEMENT OF USE RECEIVED	
Mar. 26, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 08, 2013	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Oct. 24, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 25, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 25, 2012	PUBLISHED FOR OPPOSITION	
Sep. 05, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 20, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Aug. 16, 2012	ASSIGNED TO LIE	70884
Aug. 09, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 18, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 17, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 17, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 06, 2012	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Mar. 06, 2012	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Mar. 06, 2012	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	78428
Mar. 06, 2012	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	78428
Feb. 27, 2012	ASSIGNED TO EXAMINER	78428
Nov. 14, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 12, 2011	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:** Aug. 15, 2013

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Registrant:** Aegis Sciences Corporation

### Assignment 1 of 3

**Conveyance:** FIRST LIEN SECURITY AGREEMENT

**Reel/Frame:** [5230/0044](#)

**Pages:** 9

**Date Recorded:** Mar. 04, 2014

**Supporting Documents:** [assignment-tm-5230-0044.pdf](#)

### Assignor

**Name:** [AEGIS SCIENCES CORPORATION](#)

**Execution Date:** Feb. 24, 2014

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

### Assignee

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC. AS ADMINISTRATIVE AGENT](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231

### Correspondent

**Correspondent Name:** KEN TAN, LEGAL ASSISTANT

**Correspondent Address:** 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

### Domestic Representative - Not Found

### Assignment 2 of 3

Conveyance: SECOND LIEN SECURITY AGREEMENT

Reel/Frame: [5230/0634](#)

Pages: 9

Date Recorded: Mar. 05, 2014

Supporting Documents: [assignment-tm-5230-0634.pdf](#)

**Assignor**

Name: [AEGIS SCIENCES CORPORATION](#)

Execution Date: Feb. 24, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

**Assignee**

Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: BANK

State or Country Where Organized: UNITED STATES

Address: 1300 THAMES STREET, 4TH FLOOR, THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231

**Correspondent**

Correspondent Name: KEN TAN, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [6379/0415](#)

Pages: 7

Date Recorded: May 09, 2018

Supporting Documents: [assignment-tm-6379-0415.pdf](#)

**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#)

Execution Date: May 09, 2018

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [AEGIS SCIENCES CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TENNESSEE

Address: 515 GREAT CIRCLE ROAD  
NASHVILLE, TENNESSEE 37210

**Correspondent**

Correspondent Name: CT CORPORATION

Correspondent Address: 4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**

Proceeding Number: [91217471](#)

Filing Date: Jul 21, 2014

Status: Terminated

Status Date: Oct 10, 2014

Interlocutory Attorney: CHERYL S GOODMAN

**Defendant****Name:** Alere Switzerland GmbH**Correspondent Address:** JENEVIEVE MAERKER  
FOLEY HOAG LLP  
155 SEAPORT BOULEVARD  
BOSTON MA UNITED STATES , 02210**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGISPOC	Abandoned - After Inter-Partes Decision	<a href="#">86065624</a>	

**Plaintiff(s)****Name:** Aegis Sciences Corporation**Correspondent Address:** EDWARD PLAYFAIR  
ADAMS AND REESE LLP  
424 CHURCH STREET SUITE 2700  
NASHVILLE TN UNITED STATES , 37219**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com) , [edward.playfair@arlaw.com](mailto:edward.playfair@arlaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEGIS	REGISTERED AND RENEWED	<a href="#">76070034</a>	<a href="#">2544255</a>
AEGIS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85015093</a>	<a href="#">4086011</a>
AEGIS PAINCOMP	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78752944</a>	<a href="#">3610392</a>
AEGIS SHIELD	Registered	<a href="#">85979774</a>	<a href="#">4404849</a>
AEGIS NATAL CARE	Registered	<a href="#">85837055</a>	<a href="#">4467764</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 21, 2014	Aug 30, 2014
3	PENDING, INSTITUTED	Jul 21, 2014	
4	W/DRAW OF APPLICATION	Aug 29, 2014	
5	RESPONSE DUE	Oct 01, 2014	
6	W/DRAW OF APPLICATION	Oct 07, 2014	
7	BD DECISION: DISMISSED W/O PREJ	Oct 10, 2014	
8	TERMINATED	Oct 10, 2014	

# **EXHIBIT 5**

Generated on: This page was generated by TSDR on 2018-09-14 19:02:35 EDT

Mark: A AEGISSHIELD



US Serial Number: 86401328

Application Filing Date: Sep. 22, 2014

US Registration Number: 4825305

Registration Date: Oct. 06, 2015

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Oct. 06, 2015

Publication Date: Feb. 17, 2015

## Mark Information

Mark Literal Elements: A AEGISSHIELD

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 three-pointed shield. The letter "A" in stylized lettering is in the middle of the shield with the cross stroke of the "A" arcing across the shield. The term "AEGISSHIELD" is adjacent to the right.

Color Drawing: Yes

Design Search Code(s): 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
27.03.01 - Geometric figures forming letters, numerals or punctuation

## Related Properties Information

Claimed Ownership of US Registrations: 2544255, 4086011 and others

## Goods and Services

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: Downloadable software in the nature of a mobile application for processing health and medical data in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; downloadable software in the nature of a mobile application for data processing in the field of compliance with state and federal sports anti-doping laws and regulations; downloadable software in the nature of a mobile application for data processing in the field of compliance with sports governing bodies' and sports teams' anti-doping rules

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 25, 2014

Use in Commerce: Jun. 25, 2014



**For:** Providing health and medical information in the fields of drugs, steroids, and the presence of drugs and steroids in dietary, food and nutritional products; consulting services in the field of drug, substance and steroid use in sports; consulting services in the field of prevention and testing for sports doping and substance abuse

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 25, 2014

**Use in Commerce:** Jun. 25, 2014

**For:** Providing information in the field of compliance with state and federal sports anti-doping laws and regulations; providing information in the field of compliance with sports governing bodies' and sports teams' anti-doping rules

**International Class(es):** 045 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 25, 2014

**Use in Commerce:** Jun. 25, 2014

## Basis Information (Case Level)

**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

## Current Owner(s) Information

**Owner Name:** Aegis Sciences Corporation

**Owner Address:** 515 Great Circle Road  
Nashville, TENNESSEE UNITED STATES 37228

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Edward Playfair

**Docket Number:** 602956.4

**Attorney Primary Email Address:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Edward Playfair  
ADAMS AND REESE LLP  
424 CHURCH ST STE 2700  
NASHVILLE, TENNESSEE UNITED STATES 37219-2380

**Phone:** 6152591450

**Fax:** 615.259.1470

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 11, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 24, 2015	CERTIFICATE OF CORRECTION ISSUED	77315
Nov. 24, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Nov. 02, 2015	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 06, 2015	REGISTERED-PRINCIPAL REGISTER	

Sep. 18, 2015	APPLICANT SUPPLIED CHANGES/CORRECTIONS AFTER PUB APPROVAL NOT ENT	67832
Sep. 14, 2015	ASSIGNED TO PETITION STAFF	67832
Sep. 04, 2015	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Sep. 01, 2015	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Aug. 29, 2015	APPLICANT SUPPLIED CHANGES/CORRECTIONS AFTER PUB APPROVAL NOT ENT	67832
Aug. 24, 2015	ASSIGNED TO PETITION STAFF	67832
Aug. 17, 2015	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Mar. 19, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 17, 2015	PUBLISHED FOR OPPOSITION	
Jan. 28, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 14, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jan. 13, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 13, 2015	EXAMINER'S AMENDMENT ENTERED	66213
Jan. 13, 2015	ASSIGNED TO LIE	66213
Jan. 12, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 12, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 12, 2015	EXAMINERS AMENDMENT -WRITTEN	74288
Jan. 09, 2015	ASSIGNED TO EXAMINER	74288
Sep. 30, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 29, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 25, 2014	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Change in Registration:** Yes

**Correction made to Registration:** The drawing is corrected to appear as follows: PUBLISH CUT. In the statement, line 27-28, Page 2, line 1 through line 4 should be deleted, and "The mark consists of a three-pointed shield. The letter "A" in stylized lettering is in the middle of the shield with the cross stroke of the "A" arcing across the shield. The term "AEGISSHIELD" is adjacent to the right". should be inserted.

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Nov. 24, 2015

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Aegis Sciences Corporation

### Assignment 1 of 1

**Conveyance:** SECURITY AGREEMENT

**Reel/Frame:** [6371/0578](#)

**Pages:** 8

**Date Recorded:** May 09, 2018

**Supporting Documents:** [assignment-tm-6371-0578.pdf](#)

### Assignor

**Name:** [AEGIS SCIENCES CORPORATION](#)

**Execution Date:** May 09, 2018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

### Assignee

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC.](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1300 THAMES ST., 4TH FL.  
THAMES STREET WHARF  
BALTIMORE, MARYLAND 21231

## Correspondent

**Correspondent Name:** CT CORPORATION

**Correspondent Address:** 4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219

## Domestic Representative - Not Found

# Proceedings

## Summary

**Number of Proceedings:** 1

## Type of Proceeding: Extension of Time

**Proceeding Number:** [86401328](#)

**Filing Date:** Mar 19, 2015

**Status:** Terminated

**Status Date:** Sep 01, 2015

**Interlocutory Attorney:**

## Defendant

**Name:** Aegis Sciences Corporation

**Correspondent Address:** ROBERT E MCALHANY JR  
ADAMS AND REESE LLP  
424 CHURCH ST , STE 2700  
NASHVILLE TN UNITED STATES , 37219-2380

**Correspondent e-mail:** [trademarks@arlaw.com](mailto:trademarks@arlaw.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
A AEGISSHIELD	Registered	<a href="#">86401328</a>	<a href="#">4825305</a>

## Potential Opposer(s)

**Name:** Blue Cross and Blue Shield Association

**Correspondent Address:** EMILY J BARNHART  
BLUE CROSS AND BLUE SHIELD ASSOCIATION  
225 N MICHIGAN AVE  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [ttabfilings@hansonbridgett.com](mailto:ttabfilings@hansonbridgett.com) , [cwalters@hansonbridgett.com](mailto:cwalters@hansonbridgett.com)

## Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 19, 2015	
2	EXTENSION OF TIME GRANTED	Mar 19, 2015	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jun 16, 2015	
4	EXTENSION OF TIME GRANTED	Jun 16, 2015	
5	TERMINATED	Sep 01, 2015	