

ESTTA Tracking number: **ESTTA952527**

Filing date: **02/06/2019**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Troy Healthcare, LLC
Granted to Date of previous extension	02/09/2019
Address	130 Lions Drive Hazleton, PA 18202 UNITED STATES

Attorney information	Nathan C. Brunette Stoel Rives LLP 760 SW Ninth Avenue, Suite 3000 Portland, OR 97205 UNITED STATES nathan.brunette@stoel.com, anne.glazer@stoel.com, patrick.hartigan@stoel.com, docketclerk@stoel.com (503) 294-9678
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Applicant Information

Application No	87820575	Publication date	12/11/2018
Opposition Filing Date	02/06/2019	Opposition Period Ends	02/09/2019
Applicants	Bolden, Tommy 401 NW 15 Ave, N/a Fort Lauderdale, FL 33311 UNITED STATES Bolden, Mildred 401 NW 15 Ave, N/a Fort Lauderdale, FL 33311 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: Pain relief cream

Grounds for Opposition

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

U.S. Registration No.	1744224	Application Date	02/01/1991
Registration Date	01/05/1993	Foreign Priority Date	NONE
Word Mark	STOPAIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1990/08/29 First Use In Commerce: 1991/01/07 topical analgesic spray		

U.S. Registration No.	3952695	Application Date	07/09/2010
Registration Date	04/26/2011	Foreign Priority Date	NONE
Word Mark	STOPAIN. EXACTLY WHAT IT DOES.		
Design Mark	<p style="text-align: center;">STOPAIN. EXACTLY WHAT IT DOES.</p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 Analgesics; analgesic preparations; topical analgesic spray, topical analgesic roll-on, and topical analgesic gel, all of the foregoing for relief of arthritis, muscle and back pain, tendonitis, muscle sprains, strains, bruises, and cramps		

U.S. Registration No.	4485101	Application Date	07/15/2013
Registration Date	02/18/2014	Foreign Priority Date	NONE
Word Mark	STOPAIN		
Design Mark	<p style="text-align: center;">STOPAIN</p>		
Description of Mark	NONE		

Goods/Services	Class 005. First use: First Use: 1990/08/29 First Use In Commerce: 1991/01/07 analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps
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U.S. Registration No.	4485116	Application Date	07/15/2013
Registration Date	02/18/2014	Foreign Priority Date	NONE

Word Mark	STOPAIN
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Description of Mark	The mark consists of a design featuring an octagon with a banner extending to accommodate the word "STOPAIN".
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Goods/Services	Class 005. First use: First Use: 2006/00/00 First Use In Commerce: 2006/00/00 analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; analgesic preparations for relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, bruises, and cramps
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Attachments	85081646#TMSN.png(bytes) 86010175#TMSN.png(bytes) 86010314#TMSN.png(bytes) 2019 02 06 Notice of Opposition.pdf(748443 bytes)
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Signature	/Nathan C. Brunette/
Name	Nathan C. Brunette
Date	02/06/2019

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

Troy Healthcare, LLC,)	
)	
Opposer,)	Proceeding No: _____
)	
v.)	Application No. 87/820,575
)	
)	Published on December 11, 2018
)	
)	For the mark PAIN STOP
Tommy Bolden & Mildred Bolden,)	
)	
Applicants.)	

NOTICE OF OPPOSITION

I. PARTIES

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

2. Applicants Tommy Bolden and Mildred Bolden (collectively, “Applicants”) are, on information and belief, individuals having an address of 401 NW 15 Ave, Fort Lauderdale, Florida, 33311.

II. BASIS FOR OPPOSITION

3. In the matter of application for trademark registration, Serial No. 87/820,575, filed by Applicants on March 5, 2018, which application was published in the Official Gazette of the United States Patent and Trademark Office on December 11, 2018, Opposer believes that it would be damaged by the grant of registration of such application, and hereby opposes the registration of such mark under the provisions of Section 13 of the Trademark Act, (15 U.S.C. § 1063).

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

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

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

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

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

9. Opposer owns federal Registration No. 3,952,695 for STOPAIN. EXACTLY WHAT IT DOES. in standard characters in connection with “analgesics; analgesic preparations; topical analgesic spray, topical analgesic roll-on, and topical analgesic gel, all of the foregoing for relief of arthritis, muscle and back pain, tendonitis, muscle sprains, strains, bruises, and cramps” in International Class 5.

10. Section 8 and Section 15 affidavits asserting continued use in interstate commerce were filed with the U.S. Patent and Trademark Office for Registration No. 3,952,695 on June 30, 2016 and accepted on September 13, 2016, creating a presumption of incontestability.

11. Opposer’s incontestable Registration No. 3,952,695 is valid and subsisting and is conclusive evidence of Opposer’s exclusive right to use said mark in commerce on the goods

specified in said registration. A true and correct printout of information from the electronic database records of the U.S. Patent & Trademark Office showing the current status and title of Registration No. 3,952,695 is attached hereto as Exhibit B.

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

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

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



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

15. Opposer’s Registration No. 4,485,116 is valid and subsisting and is prima facie evidence of Opposer’s exclusive right to use said mark in commerce on the goods specified in said registration. A true and correct printout of information from the electronic database records

of the U.S. Patent & Trademark Office showing the current status and title of Registration No. 4,485,116 is attached hereto as Exhibit D.

16. Through Opposer's extensive use, considerable sales and investment in time and marketing, Opposer's STOPAIN marks, STOPAIN. EXACTLY WHAT IT DOES. mark, and STOPAIN and design mark (collectively, the "STOPAIN marks") have gained considerable notoriety and goodwill among the relevant public. As a result, Opposer's STOPAIN marks are of significant value to Opposer as an identifier of source in connection with the promotion and offering of Opposer's goods.

17. Applicant seeks registration of PAIN STOP in standard characters in application Serial No. 87/820,575, on an intent-to-use basis under 15 U.S.C. § 1051(b), for "pain relief cream" in International Class 5.

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

19. Each of Opposer's federal registrations for its STOPAIN marks was filed and/or registered prior to March 5, 2018, the filing date of Applicants' application Serial No. 87/820,575.

20. The mark depicted in application Serial No. 87/820,575, namely PAIN STOP, is confusingly similar in appearance, sound and commercial impression to Opposer's STOPAIN marks.

21. The goods recited in application Serial No. 87/820,575, namely "pain relief cream" are identical, related, and/or similar to, the goods recited in Opposer's registrations for the STOPAIN marks.

22. Among other things, the goods recited in application Serial No. 87/820,575, are, and/or can be, marketed, advertised, promoted, and sold through identical or similar channels of trade, and ultimately to the same kinds of customers, as the goods recited in Opposer's

registrations for the STOPAIN marks, and are directly competitive with the goods recited in Opposer's registrations for the STOPAIN marks.

23. In view of the similarity of the respective marks and the related nature of the parties' respective goods, among other things, it is alleged that Applicants' mark so resembles Opposer's marks, as to be likely to cause confusion or to cause mistake, or to deceive when used in connection with goods and services in International Class 5. Trademark Act § 2(d), 15 U.S.C. § 1052(d).

24. Opposer would be damaged by the registration of the mark PAIN STOP by Applicants as Opposer has priority and the mark is confusingly similar to Opposer's marks and, thus, application Serial No. 87/820,575 should be denied.

WHEREFORE, Opposer respectfully requests that this Notice of Opposition be sustained and that application Serial No. 87/820,575 be refused registration, and respectfully requests such other and further relief as may be deemed to be just and proper.

Dated: February 6, 2019

Respectfully submitted,

/Nathan C. Brunette/
Nathan C. Brunette
STOEL RIVES LLP
760 SW Ninth Avenue
Suite 3000
Portland, Oregon 97205

Attorney for Opposer

Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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STATUS **DOCUMENTS** **MAINTENANCE**

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Mark: STOPAIN

No Image exists for this case.

US Serial Number: 74135651

Application Filing Date: Feb. 01, 1991

US Registration Number: 1744224

Registration Date: Jan. 05, 1993

Register: Principal

Mark Type: Trademark

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: Mar. 23, 2012

Publication Date: Oct. 13, 1992

Mark Information

Mark Literal Elements: STOPAIN

Standard Character Claim: No

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

Related Properties Information

International Registration [1058072](#)
Number:

International Application(s) [A0022016/1058072](#)
/Registration(s) Based on
this Property:

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: topical analgesic spray

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 29, 1990

Use in Commerce: Jan. 07, 1991

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: TROY HEALTHCARE, LLC

Owner Address: 130 LIONS DRIVE
HAZLETON, PENNSYLVANIA UNITED STATES 18202

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anne W. Glazer

Docket Number: 42171-4

Attorney Primary Email: TM-PDX@STOEL.COM

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent: Anne W. Glazer

Name/Address: Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OREGON UNITED STATES 97204

Phone: (503) 294-9584

Fax: (503) 220-2480

Correspondent e-mail: TM-PDX@STOEL.COM

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jul. 28, 2015	NOTICE OF SUIT	
Mar. 25, 2015	NOTICE OF SUIT	
Mar. 10, 2015	NOTICE OF SUIT	
Feb. 03, 2015	NOTICE OF SUIT	
Mar. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 23, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70619
Mar. 23, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70619
Mar. 23, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Feb. 20, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jul. 20, 2011	NOTICE OF SUIT	
Jun. 08, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 16, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 27, 2008	CASE FILE IN TICRS	
Apr. 22, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 11, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 11, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 06, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 06, 2002	PAPER RECEIVED	
Aug. 11, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 20, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 05, 1993	REGISTERED-PRINCIPAL REGISTER	
Oct. 13, 1992	PUBLISHED FOR OPPOSITION	
Sep. 11, 1992	NOTICE OF PUBLICATION	
Dec. 23, 1991	ASSIGNED TO EXAMINER	65999
Dec. 23, 1991	ASSIGNED TO EXAMINER	68982
May 20, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 1991	ASSIGNED TO EXAMINER	65999

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 05, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 23, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

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Mark: STOPAIN. EXACTLY WHAT IT DOES.

STOPAIN. EXACTLY WHAT IT
DOES.

US Serial Number: 85081646

Application Filing Date: Jul. 09, 2010

US Registration Number: 3952695

Registration Date: Apr. 26, 2011

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

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

Status Date: Sep. 13, 2016

Publication Date: Dec. 14, 2010

Notice of Allowance Date: Feb. 08, 2011

Mark Information

Mark Literal Elements: STOPAIN. EXACTLY WHAT IT DOES.

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

Related Properties Information

Claimed Ownership of US [1744224](#), [3445830](#)

Registrations:

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: Analgesics; analgesic preparations; topical analgesic spray, topical analgesic roll-on, and topical analgesic

relief of arthritis, muscle and back pain, tendonitis, muscle sprains, strains, bruises, and cramps

International Class(es): 005 - Primary Class**U.S Class(es):** 006, 018, 044, 046, 005**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Oct. 2010**Use in Commerce:** Oct. 2010**Basis Information (Case Level)****Filed Use:** No**Currently Use:** Yes**Filed ITU:** Yes**Currently ITU:** No**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No**Current Owner(s) Information****Owner Name:** Troy Healthcare, LLC**Owner Address:** 130 Lions Drive
Hazleton, PENNSYLVANIA UNITED STATES 18202**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** PENNSYLVANIA**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Anne W. Glazer**Docket Number:** 42171-6**Attorney Primary Email Address:** TM-PDX@STOEL.COM**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** ANNE W. GLAZERSTOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
PORTLAND, OREGON UNITED STATES 97205**Phone:** (503) 294-9584**Fax:** (503) 220-2480**Correspondent e-mail:** TM-PDX@STOEL.COM**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Sep. 13, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	

Sep. 13, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Sep. 09, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jun. 30, 2016	TEAS SECTION 8 & 15 RECEIVED	
Jul. 28, 2015	NOTICE OF SUIT	
Mar. 25, 2015	NOTICE OF SUIT	
Mar. 10, 2015	NOTICE OF SUIT	
Feb. 03, 2015	NOTICE OF SUIT	
Jul. 20, 2011	NOTICE OF SUIT	
Apr. 26, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 22, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 19, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Mar. 16, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 14, 2011	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 22, 2011	USE AMENDMENT FILED	61813
Mar. 14, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Feb. 22, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 08, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 14, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 14, 2010	PUBLISHED FOR OPPOSITION	
Nov. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Nov. 09, 2010	ASSIGNED TO LIE	66213
Oct. 27, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 21, 2010	ASSIGNED TO EXAMINER	76638
Jul. 14, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 13, 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: TMO LAW OFFICE 114

Date in Location: Sep. 13, 2016

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

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Mark: STOPAIN

STOPAIN

US Serial Number: 86010175

Application Filing Date: Jul. 15, 2013

US Registration Number: 4485101

Registration Date: Feb. 18, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



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: Feb. 18, 2014

Publication Date: Dec. 03, 2013

Mark Information

Mark Literal Elements: STOPAIN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US [1744224](#), [3445830](#), [3952695](#)

Registrations:

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: analgesics; analgesic preparations; topical analgesic spray; topical analgesic roll-on; topical analgesic gel; etc.

relief of arthritis, muscle and back pain, headache pain, migraine pain, tendonitis, muscle sprains, strains, b

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 005

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 29, 1990

Use in Commerce: Jan. 07, 1991

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Troy Healthcare, LLC

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anne W. Glazer

Docket Number: 42171-18

Attorney Primary Email TM-PDX@STOEL.COM
Address:

Attorney Email Authorized: Yes

Correspondent

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

Phone: (503) 294-9584

Fax: (503) 220-2480

Correspondent e-mail: TM-PDX@STOEL.COM

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 19, 2017	NOTICE OF SUIT	

Jun. 19, 2017	NOTICE OF SUIT	
Jul. 28, 2015	NOTICE OF SUIT	
Feb. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2013	ASSIGNED TO EXAMINER	82104
Jul. 23, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 22, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 18, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 18, 2014

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceedings

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91219522

Filing Date: Nov 26, 2014

Status: Terminated

Status Date: Jul 07, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Gensco Laboratories, LLC

Correspondent Address: DAVID L SIGALOW
 ALLEN DYER DOPPELT MILBRATH & GILCHRIST PA
 255 S ORANGE AVE STE 1401
 ORLANDO FL UNITED STATES , 32801

Correspondent e-mail: dsigalow@addmg.com , aimber@addmg.com , intellectualproperty@rmgpa.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GOTPAIN	Registered	<u>86092729</u>	<u>5050088</u>
Plaintiff(s)			
Name: Troy Healthcare, LLC			

Correspondent Address: NATHAN C BRUNETTE
 STOEL RIVES LLP
 900 SW FIFTH AVENUE, SUITE 2600
 PORTLAND OR UNITED STATES , 97204

Correspondent e-mail: ncbrunette@stoel.com , cjohnson@stoel.com , stlovet@stoel.com , docketclerk@stoel.com , tm-pd.nathan.brunette@stoel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
STOPAIN	REGISTERED AND RENEWED	<u>74135651</u>	<u>1744224</u>
STOPAIN	Registered	<u>86010175</u>	<u>4485101</u>
STOPAIN	Registered	<u>86010314</u>	<u>4485116</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 26, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 26, 2014	Jan 05, 2015
3	PENDING, INSTITUTED	Nov 26, 2014	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 05, 2015	
5	ANSWER	Jan 05, 2015	
6	MOT TO AMEND APPLICATION	Jun 09, 2015	
7	BD DECISION: DISMISSED W/ PREJ	Jul 07, 2015	
8	TERMINATED	Jul 07, 2015	

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STATUS

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Mark: STOPAIN



US Serial Number: 86010314

Application Filing Date: Jul. 15, 2013

US Registration Number: 4485116

Registration Date: Feb. 18, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



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: Feb. 18, 2014

Publication Date: Dec. 03, 2013

Mark Information

Mark Literal Elements: STOPAIN

Standard Character Claim: No

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

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

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

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

Related Properties Information

Claimed Ownership of US [1744224](#), [3445830](#), [3952695](#)

Registrations:

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

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 05

Class Status: ACTIVE

Basis: 1(a)

First Use: 2006

Use in Commerce: 2006

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Troy Healthcare, LLC

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anne W. Glazer

Docket Number: 42171-17

Attorney Primary Email: TM-PDX@STOEL.COM

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Name/Address: ANNE W. GLAZER

STOEL RIVES LLP

900 SW 5TH AVE STE 2600

PORTLAND, OREGON UNITED STATES 97204-1268

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Fax: (503) 220-2480

Correspondent e-mail: TM-PDX@STOEL.COM

Correspondent e-mail: Yes

Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jun. 19, 2017	NOTICE OF SUIT	
Jun. 19, 2017	NOTICE OF SUIT	
Jul. 28, 2015	NOTICE OF SUIT	
Feb. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2013	ASSIGNED TO EXAMINER	82104
Jul. 23, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 22, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 18, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 18, 2014

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