



TTAB

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

The Mentholatum Company,

Opposer,

v.

Therox, Inc.,

Applicant.

Opposition No.: 91/160,810

78/116,976

OPPOSER'S NOTICE OF RELIANCE PURSUANT TO TRADEMARK RULE 2.122(E)

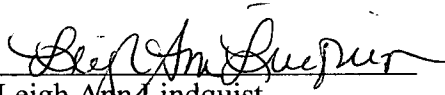
Opposer, by its attorney, hereby relies, pursuant to Trademark Rule 2.122(e), on the following registrations to show that Applicant's competitors have commonly adopted and registered marks for cosmetics goods in class 3 and acne preparations in class 5:

<i>Mark</i>	<i>Registration Number</i>	<i>Issue Date</i>
PETER THOMAS ROTH	2,355,400	June 6, 2000
PETER THOMAS ROTH	2,355,397	June 6, 2000
E. EXCEL ELEMENTE	2,450,908	May 15, 2001
M.D. FORMULATIONS	1,814,638	January 4, 1994
PHYSICIAN'S CHOICE	2,403,056	November 14, 2000

This Notice of Reliance is accompanied by copies of TARR information for each of the foregoing registrations obtained from the United States Patent and Trademark Office website.

Respectfully submitted,

THE MENTHOLATUM COMPANY

By: 
Leigh Ann Lindquist
Attorney for Opposer
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Tele.: 202-663-7409


Date: February 6, 2007

Enclosures: TARR information for Registrations (5)
Certificate of Service

CERTIFICATE OF SERVICE

I, Leigh Ann Lindquist, Esquire, hereby certify that on this 6th day of February, 2007, a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE PURSUANT TO TRADEMARK RULE 2.122(E)** has been properly served, via First Class U.S. Mail, postage prepaid and fax to:

Tawnya Wojciechowski, Esq.
TRW Law Group
19990 MacArthur Boulevard, Suite 1150
Irvine, CA 92612


Leigh Ann Lindquist

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-02 13:31:28 ET

Serial Number: 75799695 Assignment Information

Registration Number: 2355400

Mark (words only): PETER THOMAS ROTH

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-09-07

Filing Date: 1999-09-14

Transformed into a National Application: No

Registration Date: 2000-06-06

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-09-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PETER THOMAS ROTH LABS, LLC

Address:

PETER THOMAS ROTH LABS, LLC
460 PARK AVENUE, 16TH FLOOR
NEW YORK, NY 10022

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Acne treatment preparations, anti-inflammatory creams, facial masques for acne treatment, and facial peels for acne treatment

Basis: 1(a)

First Use Date: 1993-05-01

First Use in Commerce Date: 1993-05-01

ADDITIONAL INFORMATION

Name Portrait Consent: "Peter Thomas Roth" is a living person whose consent is of record.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-08-28 - Assigned To Paralegal

2006-06-06 - Section 8 (6-year) and Section 15 Filed

2006-06-07 - Automatic Update Of Assignment Of Ownership

2006-06-06 - TEAS Section 8 & 15 Received

2006-03-24 - Case File In TICRS

2003-08-13 - TEAS Change Of Correspondence Received

2000-06-06 - Registered - Principal Register

2000-03-14 - Published for opposition

2000-02-11 - Notice of publication

2000-01-18 - Approved for Pub - Principal Register (Initial exam)

2000-01-11 - Examiner's amendment mailed

2000-01-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHRISTINE M. BAKER

Correspondent

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