

ESTTA Tracking number: **ESTTA1069594**

Filing date: **07/21/2020**

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                 | Path Medical, LLC   |             |         |
| Entity               | Limited Liability Company   | Citizenship | Florida |
| Address              | 2304 W. OAKLAND PARK BLVD.<br>FT. LAUDERDALE, FL 33311<br>UNITED STATES   |             |         |
| Attorney information | MINDI M. RICHTER<br>SHUMAKER, LOOP & KENDRICK, LLP<br>101 E. KENNEDY BOULEVARD, SUITE 2800<br>TAMPA, FL 33602<br>UNITED STATES<br>Primary Email: mrichter@shumaker.com<br>Secondary Email(s): ttimmerman@shumaker.com<br>8132297600 |             |         |
| Docket Number        |   |             |         |

**Applicant Information**

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No.        | 88799852   | Publication date       | 06/23/2020 |
| Opposition Filing Date | 07/21/2020   | Opposition Period Ends | 07/23/2020 |
| Applicant              | Chung, Steven L.<br>1515 MARKET STREET, SUITE 910<br>PHILADELPHIA, PA 19102<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

|   |
|---|
| Class 045. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Legal services |
|---|

**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act Section 2(d) |
|--------------------------------------|----------------------------|

**Mark Cited by Opposer as Basis for Opposition**

|                      |                     |                       |            |
|----------------------|---------------------|-----------------------|------------|
| U.S. Application No. | 88571353            | Application Date      | 08/08/2019 |
| Registration Date    | NONE                | Foreign Priority Date | NONE       |
| Word Mark            | GOT HURT? GET HELP! |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         | GOT HURT? GET HELP!   |
| Description of Mark | NONE  |
| Goods/Services      | Class 035. First use: First Use: 0 First Use In Commerce: 0<br>Providing attorney referrals |

|             |   |
|-------------|---|
| Attachments | 88571353#TMSN.png( bytes )<br>954.pdf(13778 bytes ) |
|-------------|---|

|           |                    |
|-----------|--------------------|
| Signature | /Mindi M. Richter/ |
| Name      | Mindi M. Richter   |
| Date      | 07/21/2020         |

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

In the Matter of Application No. 88/799,852  
Applicant: Steven L. Chung  
Application Date: February 17, 2020  
Publication Date: June 23, 2020

|                    |   |                      |
|--------------------|---|----------------------|
| PATH MEDICAL, LLC, | ) |                      |
|                    | ) |                      |
|                    | ) |                      |
| Opposer,           | ) | Opposition No. _____ |
|                    | ) |                      |
| v.                 | ) |                      |
|                    | ) |                      |
| STEVEN L. CHUNG,   | ) |                      |
|                    | ) |                      |
| Applicant.         | ) |                      |
|                    | ) |                      |

**NOTICE OF OPPOSITION**

Path Medical, LLC (“Path” or “Opposer”), believes that it will be damaged by registration of the mark 954 GOT-HURT (“Applicant’s Mark”) in International Class 45 as listed in Application Serial No. 88/799,852 (the “Application”), and hereby opposes the Application.

As grounds for its opposition, Opposer states as follows:

**I. PARTIES**

1. Opposer Path is a Florida limited liability company with its principal place of business in Ft. Lauderdale, Florida.

2. On information and belief, Applicant Steven L. Chung (“Applicant”) is an individual residing in Philadelphia, Pennsylvania.

## II. OPPOSER'S MARK

3. Opposer Path owns over 25 medical centers throughout the State of Florida, with a strong focus on southeast Florida, that provide a wide variety of medical services, including, but not limited to, chiropractic, orthopedic, physiotherapy, therapeutic exercise and joint mobilization services. Path's patient advertising is largely targeted to those who have been injured from vehicle accidents, motorcycle accidents, and slip and fall accidents. As many of Path's patients are victims of personal injury-related accidents, a portion of its business also relates to legal referral services (all services collectively referred to herein as "Opposer's Services"). Path's business thrives in large part from its significant and active advertising throughout Florida, including, but not limited to, billboards, bus and vehicle wraps, radio commercials and television commercials, on which it spends many multiples of millions of dollars a year.

4. Since at least as early as August 2019, Opposer has continuously used and promoted Opposer's Services under its GOT HURT? GET HELP! mark ("Opposer's Mark"), including, but not limited to, through significant advertising on billboards, buses and vehicles.

5. Opposer applied to federally register Opposer's Mark for providing attorney referrals under Serial No. 88/571,353 ("Opposer's Application") on August 8, 2019, and it was approved for publication on January 27, 2020.

## III. APPLICANT'S MARK

6. Applicant's Application was filed on February 17, 2020, is an intent to use Application, and was published in the Official Gazette on June 23, 2020.

7. Applicant's Application is for "legal services" ("Applicant's Services").

#### IV. LIKELIHOOD OF CONFUSION

8. Opposer's Mark is distinctive for Opposer's Services.

9. Opposer's Application for Opposer's Mark has a priority date prior to Applicant's filing date, as well as presumably Applicant's first use date, given that it is an intent-to-use application.

10. As a result of Opposer's extensive use and promotion of Opposer's Mark, the mark has developed substantial goodwill and is a strong mark.

11. Applicant's 954 GOT-HURT mark and Opposer's Mark both contain GOT HURT.

12. In addition, Opposer is associated with and well known for vanity telephone numbers that are heavily advertised in Florida.

13. Applicant's Services and Opposer's Services are related and highly similar given that Applicant is a lawyer providing legal services, and Opposer's Mark is used for legal referral services.

14. Applicant's 954 GOT-HURT mark is of particular concern to Opposer because "954" is a Ft. Lauderdale, Florida area code, which is a primary focus and location of Opposer's advertising.

15. Applicant's proposed use of the 954 GOT-HURT mark, and filing of the Application, are without Opposer's consent.

16. While Opposer acknowledges that Applicant also owns a federal registration for 215 GOT-HURT (Reg. No. 5,791,394), this mark has not posed an issue for Opposer or caused

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