

ESTTA Tracking number: **ESTTA673539**

Filing date: **05/21/2015**

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

Proceeding	91206212
Party	Defendant entrotech, inc.
Correspondence Address	LISA M. GRIFFITH FISH & RICHARDSON P O BOX 1022 MINNEAPOLIS, MN 55440 1022 UNITED STATES tmdoctc@fr.com, hickey@fr.com, martens@fr.com, dylan-hyde@fr.com, morris@fr.com
Submission	Defendant's Notice of Reliance
Filer's Name	Erin M. Hickey
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Signature	/Erin M. Hickey/
Date	05/21/2015
Attachments	2015-05-21 REDACTED VERSION - Applicant's Notice of Reliance + Exhibits (Docs Admitted Through RFA).pdf(1434844 bytes)

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

In the matter of application Serial Nos.:

85/499,349 for the mark **CHLORADERM**
85/499,345 for the mark **CHLORABSORB**
85/499,337 for the mark **CHLORABOND**
85/499,332 for the mark **CHLORADRAPE**

Filed on December 19, 2011

Published in the *Official Gazette* on May 29, 2012

CAREFUSION 2200, INC.,

Opposer,

v.

ENTROTECH LIFE SCIENCES, INC.,

Applicant.

Combined Opposition Proceeding No. 91-206,212

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

APPLICANT'S NOTICE OF RELIANCE

Pursuant to Rule 704.10 of the Trademark Trial and Appeal Board's Manual of Procedure and 37 C.F.R. § 2.120(j), Applicant Entrotech Life Sciences, Inc. ("Applicant" or "Entrotech") hereby notifies Opposer CareFusion 2200, Inc. ("Opposer" or "CareFusion") of its reliance upon the following discovery response and documents produced to Applicant in this Opposition (identified as Exhibits H1-H5):

PUBLIC REDACTED VERSION

Exhibit	Document
H1	Opposer's Response to Applicant's First Request for Admission (No. 1) dated January 7, 2015
H2	CF 00024913
H3	CF 00002533-49
H4	CF 00025031
H5	CF 00025273-75

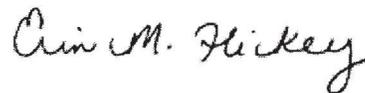
Applicant will rely upon this discovery response and produced documents to establish: (1) that confusion between Applicant's CHLORADERM, CHLORABSORB, CHLORABOND, and CHLORADRAPE marks at issue in this Opposition, on the one hand, and Opposer's CHLORAPREP and CHLORASHIELD marks at issue in this Opposition, on the other hand, is not likely; (2) the dissimilarity of the channels of trade and marketing/advertising at issue in this Opposition; (3) the purchasing conditions and the sophistication of the purchasers of the goods at issue in this Opposition; (4) the weakness of Opposer's CHLORAPREP and CHLORASHIELD marks; (5) the scope of Opposer's use of its CHLORAPREP and CHLORASHIELD marks; and (6) the co-existence in the marketplace of Opposer's CHLORAPREP and CHLORASHIELD marks with other marks containing the letters "C-H-L-O-R" for goods relevant to this Opposition and relevant to the goods at issue in this Opposition.

This Notice of Reliance and Exhibits are being filed under seal, pursuant to the parties' Stipulated Protective Order (Dkt. No. 6) and the Board's approval of the Stipulated Protective Order (Dkt. No. 7).

Dated: May 21, 2015

Respectfully submitted,

FISH & RICHARDSON P.C.



By: _____

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Attorneys for Applicant,
ENTROTECH LIFE SCIENCES, INC.

EXHIBIT H1

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

In the matter of Application Serial Nos.:

Ser. No. 85/499,349 for the mark **CHLORADERM**
Ser. No. 85/499,345 for the mark **CHLORABSORB**
Ser. No. 85/499,337 for the mark **CHLORABOND**
Ser. No. 85/499,332 for the mark **CHLORADRAPE**

Filed on December 19, 2011

Published in the *Official Gazette* on May 29, 2012

CAREFUSION 2200, INC.,

Opposer,

v.

ENTROTECH LIFE SCIENCES, INC. (by
assignment from ENTROTECH, INC.),

Applicant.

Opposition No.: 91-206,212

**OPPOSER'S RESPONSE TO APPLICANT'S
FIRST REQUEST FOR ADMJISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.1160 of the Trademark Rules of Practice, Opposer CareFusion 2200, Inc. ("Opposer") makes the following response to Applicant Entrotech Life Sciences, Inc.'s ("Applicant") First Request for Admission:

REQUEST NO. 1:

Admit that all documents produced by Opposer in this Combined Opposition Proceeding No. 91-206,212 are true and correct copies of the originals.

RESPONSE:

Admitted

PUBLIC REDACTED VERSION

Dated: January 7, 2015

Respectfully submitted,

/s/ Mary R. True

Joseph R. Dreitler

Mary R. True

DREITLER TRUE LLC

19 East Kossuth Street

Columbus, Ohio 43209

Telephone: (614) 499-6677

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mtrue@ustrademarklawyer.com

Attorneys for Opposer

CareFusion 2200, Inc.

PUBLIC REDACTED VERSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of **OPPOSER'S RESPONSE TO APPLICANT'S FIRST REQUEST FOR ADMISSION** has been served by electronic mail upon Applicant's attorney of record in this proceeding on this 7th day of January 2015, at the following email address:

Erin M. Hickey hickey@fr.com
Fish & Richardson PC
12390 El Camino Real
San Diego, CA 92130

Mary R. True
Mary R. True

EXHIBIT H2

SKU	Description	Section	Class	Market	Category	PY Sales (\$000)	Current Net ASP
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EXHIBIT H3

Redacted



Introduction

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TRADE SECRET/COMMERCIALY SENSITIVE

CF 00002535

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PUBLIC REDACTED VERSION

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TRADE SECRET/COMMERCIALY SENSITIVE

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TRADE SECRET/COMMERCIALY SENSITIVE

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Home Page - CareFusion

http://www.carefusion.com/

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CareFusion

LOGIN: For Support and Resources

LOCATIONS: Worldwide Offices

SEARCH: CareFusion.com

OUR COMPANY | PRODUCTS & SERVICES | CENTER FOR SAFETY & CLINICAL EXCELLENCE | CUSTOMER SUPPORT | CAREERS | INVESTOR RELATIONS

Providing technologies and intelligence to help prevent errors along the entire medication process

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Automated medication management systems designed to help improve medication safety and staff efficiency

INFUSION
Helping to bring new levels of safety and efficiency to the entire IV medication process

POINT OF CARE VERIFICATION
Helping better protect patients at the point of care

ALWAYS ASK NOTICES | TERMS OF USE | PRIVACY POLICY | INTERNAL | CONTACT US | CARE PARTNER SERVICES | MONITOR EXPERIENCE

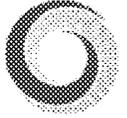
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Read www.carefusion.com

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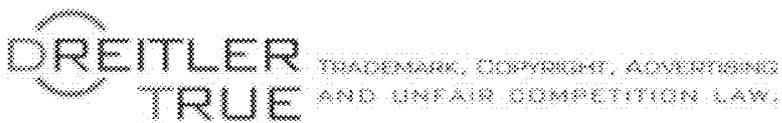
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EXHIBIT H4



LLC

137 E. State Street- Suite 101
Columbus, Ohio 43215
June 14, 2012

Joseph R. Dreitler
Telephone: (614) 545-6354

Facsimile: (614) 241-2169

Redacted

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Dreitler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Joseph R. Dreitler

<http://www.ustrademarklawyer.com>

EXHIBIT H5



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August 14, 2012

Via Email and Courier

Joseph R. Dreitler
Dreitler True
137 E. State Street
Suite 101
Columbus, OH 43215

Redacted

Mark	Ser./Reg. No.	Filing/Reg. Date	Goods
CHLORACEL	649510	08/16/1957	sodium aluminum chlorhydroxy lactate and other aluminum chlorhydroxy compounds
CHLORASEPTIC	837014	10/17/1967	pharmaceutical preparation for the relief of throat and mouth soreness
CHLORALOY	1012945	06/10/1975	sheets of synthetic polymeric material for construction purposes, particularly shower liners



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Mark	Ser./Reg. No.	Filing/Reg. Date	Goods
CHLORAZENE	1530509	03/21/1989	Antiseptic powder
CHLORAZONE	2219205	01/19/1999	synthetic polymer in the form of solid slabs, strips and other pre-formed solid shapes, used to manufacture a wide variety of products intended to be in regular contact with water
CHLORAGUARD	2395110	10/17/2000	Fabric protectant, namely, dye treatment for bleach resistant protection sold as a component of carpets
CHLORASEPTIC	3259867	07/10/2007	Dietary and nutritional supplements for human consumption
CHLORASEPTIC DEFENSE	3259868	07/10/2007	Dietary and nutritional supplements for human consumption
CHLORASEPTIC	3513856	10/07/2008	allergy preparation applied as a topical ointment or gel
CHLORADINE	3608454	04/21/2009	Antimicrobial solution for teat dip; disinfectant for veterinary use
ONE TOUCH RELIEF. THE CHLORASEPTIC TOUCH.	3681303	09/08/2009	pharmaceutical preparations for the relief of throat and mouth soreness
THE CHLORASEPTIC TOUCH	3681304	09/08/2009	pharmaceutical preparations for the relief of throat and mouth soreness
CHLORASEPTIC SORE THROAT RELIEF STRIPS	2975799	07/26/2005	pharmaceutical preparation for the relief of throat and mouth soreness
CHLORASEPTIC RELIEF STRIPS	2985067	08/16/2005	pharmaceutical preparations for the relief of throat and mouth soreness
CHLORASEB	4012226	08/16/2011	Antibacterial and antifungal sprays for use on pets and animals
ChlorAXIS	4147430	05/22/2012	Dietary and nutritional supplements
CHLOROCHERK	85455986	10/25/2011	electronic sweat chloride analyzers for medical testing purposes
CHLOROPTIC	888556	03/21/1970	ophthalmic preparations
CHLORO-CON	0957536	04/24/1973	odor control composition for use on sewage and garbage
CHLOROFRESH	1412001	10/07/1986	vitamins, minerals, dietary supplements
CHLOROSTAT	1600325	06/12/1990	antimicrobial skin cleanser
CHLORONIL	1678969	03/10/1992	agricultural fungicides



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Mark	Ser./Reg. No.	Filing/Reg. Date	Goods
CHLOROINTRINSIC	2701907	04/01/2003	Dietary supplements, namely, herbal preparations for immune system support
CHLOROSTAR	2534296	01/29/2002	Fungicide for agricultural and commercial use
CHLORO-SOL	2717529	05/20/2003	all-purpose disinfectant spray and towelettes premoistened with disinfectants
CHLORO GOLD 720	2604356	08/06/2002	fungicides for agricultural and commercial use
CHLOROSCENT	3282096	08/21/2007	restroom deodorants in the form of deodorant blocks to be placed in urinals
CHLORONEX	77890538	12/10/2009	veterinary antibiotics
CHLOROXYGEN	78323673	11/05/2003	Dietary supplements
CHLORO-CLEAR WHIRLPOOL ANTISEPTIC ADDITIVE	3027744	12/13/2005	Disinfectants for hygienic purposes, namely a whirlpool antiseptic additive containing 100% Chloramine-T in a water-soluble pouch
CHLOROSPA-T	3154950	10/10/2006	Disinfectant compound for use in sanitizing foot spas and pedicure basins
CHLOROPLASMA	3189121	12/26/2006	Dietary supplements; Nutritional supplements

Redacted

Very truly yours,

Leigh Ann Lindquist

LAL/mlw
cc: Redacted

CERTIFICATE OF SERVICE

I hereby certify that, on this 21st day of May, 2015, a true and correct copy of **APPLICANT'S NOTICE OF RELIANCE** has been served by electronic mail upon Opposer's attorneys of record in this proceeding at the following electronic addresses:

Joseph R. Dreitler, Esq.
Mary R. True, Esq.
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mtrue@ustrademarklawyer.com

/s/ April R. Morris
April R. Morris