

Response to Opposition ESTTA 490205

Attachments:

- (1) Appocant's Response to Opposition
- (2) Applicant;s Product Packaging (design, description, barcode)
- (3) Applicant's Certification page
- (4) Opposer's Redi-Breathe /Redibreathe web page
- (5) Opposer's I-Breathe web page
- (6) Opposer's International web page
- (7) Opposer's Internation webpage Re: Respiratory product line

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been mailed for service upon

Opposer's Attorney,s (Lisa Pieroni) at their address record by First Class Mail on

Undersigned date.

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Patricia Huntington
Patricia Huntington
August 29, 2012

Defendant Patricia Huntington, an owner of Star Power Productions, a LLC organized under the laws of Texas, USA and certified by WBEC and HUB, believes that Teva Pharmaceutical has damaged the opportunity of the mark by filing Opposition. Grounds for vacating this Opposition are as follows:

1. Opposer Teva Respiratory/Teva Pharmaceuticals seeks to interrupt commerce by filing Opposition. They have refused to verify I-Breathe and Redi-Breathe products or information for Applicant to review. Redi-Breathe/RediBreathe does not appear similar in name or use.
2. Opposer Teva Respiratory product's I-Breathe has no verifiable documentation to support its "highly affordable" claim or its availability to consumer market. .. Applicant's I-Breathe is a nasal filter strip used merely as a preventative product for general consumer use and not as a "treatment". . Request by Applicant to "Show me the product(s)" has been denied so Applicant must only rely on Attorney's reference to how TEVA's product might perform and how the consumer market can be served by this Product(s).
3. Opposer Teva Respiratory's product claim as "pharmaceutical preparations" suggests their product is a pharmacy product whereas IBreathe nasal strips claims to be drug- free for general use. TEVA's claim states the filing is August 16,2010 but where is the product so how can they demonstrate the likeness. Class 05 vs Class10
4. Opposer suggests that Redi-Breathe inhaler ((Classes 05/010 consumers would confuse an inhaler with a "band-aid like" strip with completely different name and flat envelope packaging
5. .Opposer suggests that the Redi-Breathe name and empty inhaler use are similar in nature to a strip packaged in an flat envelope without an inhaler displayed
6. Opposer suggests that I-Breathe and Ibreathe would be confusing but the examiner and Attorney filing the trademark application did not find the mark/classes confusing.
7. Applicant's I-Breathe and Opposer's Redi-Breathe have no similarities and in fact, Redi-Breathe is confusing to Applicant's focus groups as I-Breathe is preventative and. Redi-Breathe implies spontaneous inhaler application. Applicant would not try to compete with the "world wide" deep money pockets of TEVA if the nasal filter strips that are an inexpensive, effective consumer product for pollen havens if there was a conflict of brand use or recognition.
8. Applicant's worldwide international business would not be damaged by the I-Breathe use as the Applicant has failed to show that it even has a product. It's world wide web page does not even recognize I-Breathe or Ibreathe.. I-Breathe, Redi-Breathe and RediBreathe appear to be not available In exploring all the public documents and offerings, the Applicant could not reference any intent by the Opposer to develop the product .Applicant in good faith contacted on numerous occasions the North American office of TEVA In an effort to stimulate negotiations, commerce or any interest, and never received response

WHEREFORE, APPLICANTS DEMAND JUDGMENT DISMISSING OR LIMITING THIS OPPOSTION and adjudging that the Opposer is not entitled to the registration of the trademark in Class 0/10 filed as Application Serial No. 85/458,757.

iBreathe™ nasal air filter strips offer indoor/outdoor relief from non-toxic inhaled irritants that may impact allergies or sinusitis. Use while awake.

- Center filter over nasal openings
- Adhere adhesive strips securely to opposite sides of nose
- Remove if breathing becomes impaired
- Disposable
- Single use only

10 strips per package/peel one strip per use. Close flap to protect unused strips.



iBreathe™
nasal air filter strips

indoor/outdoor relief
non-invasive, drug-free
single-use disposable strips

10 single-use high efficiency MEGA 12
air filter strips, latex free, odorless, MADE IN USA

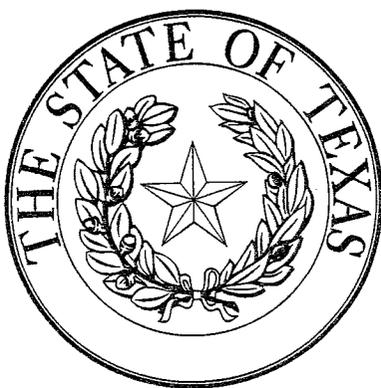
CAUTION: For external use only. Do not use if skin irritation or breathing difficulties occur. Do not use on skin with irritations, sunburn, or sores. Not for persons under five years of age or who lack ability to remove strip. Do not use for more than 12 hours a day and replace if air flow becomes reduced. Do not use for medical, chemical or industrial protection.
Contact information: www.starpowerproductionsusa.com

iBreathe™
nasal air filter strips



State of Texas

Historically Underutilized Business Certification and Compliance Program



In accordance with the Memorandum of Agreement between the Women's Business Enterprise Alliance (WBEA) and the Texas Comptroller of Public Accounts (CPA), the CPA hereby certifies that

STAR POWER PRODUCTIONS, LLC

has successfully met the established requirements of the Statewide Historically Underutilized Business (HUB) Program to be recognized as a HUB.

This certificate, printed 23-APR-2012, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, addresses, phone and fax numbers or authorized signatures) provided in the submission of the business' application for registration/certification into the WBEA's program, you must immediately (within 30 days of such changes) notify the WBEA's program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility. If your firm ceases to remain certified in the WBEA's program, you must apply and become certified through the State of Texas HUB program to maintain your HUB certification.

Paul A. Gibson
Statewide HUB Program Manager
Texas Comptroller of Public Accounts
Texas Procurement and Support Services Division

Certificate/VID Number: 1371537283800
File/Vendor Number: 475514
Approval Date: 28-MAR-2012
Expiration Date: 31-MAR-2013

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies and universities are encouraged to validate HUB certification prior to issuing a notice of award by accessing the Internet (<http://www.window.state.tx.us/procurement/cmb/hubonly.html>) or by contacting the HUB Program at (888) 863-5881 or (512) 463-5872.

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REDI-BREATHE

How it works?

1. Click buy & tell us about your business or product
2. Describe how your business or product is being used
3. We create a business page for you, and you can choose to have it registered as a trademark for an additional fee

Starting Your Own Business

Easy, fast and affordable



REDI-BREATHE

By:

Breath operated inhalers filled with anti-asthmatic prescription pharmaceutical preparations

Breath operated inhalers sold empty for therapeutic use

Perfect for these industries

Words that describe this logo

This is a brand page for the **REDI-BREATHE** trademark by **TEVA RESPIRATORY LLC** in **Horsham, PA, 19044**.
about a product or service associated with this REDI-BREATHE trademark. Or, contact the owner **TEVA RESPIRATORY LLC** of the REDI-BREATHE trademark by filing a request to communicate with
for licensing, use, and/or questions related to the REDI-BREATHE trademark.

On **Thursday, August 26, 2010**, a U.S. federal trademark registration was filed for **REDI-BREATHE** by
Horsham, PA 19044. The USPTO has given the **REDI-BREATHE** trademark serial number of
85116137. The current federal status of this trademark filing is **SECOND EXTENSION - GRANTED**. The correspondent
listed for **REDI-BREATHE** is of **TEVA PHARMACEUTICALS USA, 425 PRIVET RD, HORSHAM, PA**
19044-1220. The **REDI-BREATHE** trademark is filed in the category of
The description provided to the USPTO for **REDI-BREATHE** is **Breath operated inhalers filled with anti-asthmatic prescription pharmaceutical preparations**

Word Mark: **REDI-BREATHE**

Status/Status Date: **SECOND EXTENSION - GRANTED**
3/13/2012

Serial Number: 85116137

Filing Date:

Registration Number: NOT AVAILABLE

Registration Date: NOT AVAILABLE

Goods and Services: Breath operated inhalers filled with anti-asthmatic prescription pharmaceutical preparations

Mark Description: NOT AVAILABLE

Type Of Mark: TradeMark

Published For Opposition Date: 2/8/2011

What our customers say:

I wasn't too sure what to expect when taking up services, but the professionalism from the site to the customer service is the sickest I have ever experienced.



-Camryn, Surrey, UK

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Keep track of how your trademark is being used. Available in the United States and in more than 100 countries. Round-the-clock monitoring. Monthly report on potential infringement.

Trademark Watch Services

Current Trademark Status:

3/13/2012

SECOND EXTENSION - GRANTED

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Search.



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How it works?

1. Click buy & tell us about your business or product
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3. We create a business page for you, and you can choose to have it registered as a trademark for an additional fee.

Starting Your Own Business

Easy, fast and affordable



I-BREATHE

I-BREATHE

By:

Pharmaceutical preparations for the treatment of respiratory diseases

Perfect for these industries

Words that describe this logo

This is a brand page for the I-BREATHE trademark by TEVA Pharmaceutical Industries Ltd. in Jerusalem, 91010 about a product or service associated with this I-BREATHE trademark. Or, contact the owner TEVA Pharmaceutical Industries Ltd. of the I-BREATHE trademark by filing a request to communicate with for licensing, use, and/or questions related to the I-BREATHE trademark.

On Monday, August 16, 2010, a U.S. federal trademark registration was filed for I-BREATHE by Jerusalem 91010. The USPTO has given the I-BREATHE trademark serial number of 85108272. The current federal status of this trademark filing is SECOND EXTENSION - GRANTED. The correspondent listed for I-BREATHE is of HAR?HOTZVIM, P. O. B; SCIENCE BASED INDUS, JERUSALEM, 91010 ISRAEL. The I-BREATHE trademark is filed in the category of The description provided to the USPTO for I-BREATHE is Pharmaceutical preparations for the treatment of respiratory diseases.

Word Mark: I-BREATHE

Status/Status Date: SECOND EXTENSION - GRANTED 3/1/2012

Serial Number: 85108272

Filing Date:

Registration Number: NOT AVAILABLE

Registration Date: NOT AVAILABLE

Goods and Services: Pharmaceutical preparations for the treatment of respiratory diseases

Mark Description: NOT AVAILABLE

Type Of Mark: TradeMark

Published For Opposition Date: 1/25/2011

Last Applicant/Owner: Jerusalem 91010

What our customers say:

I wasn't too sure what to expect when taking up services, but the professionalism from the site to the customer service is the slickest I have ever experienced.



-Camryn, Surrey, UK

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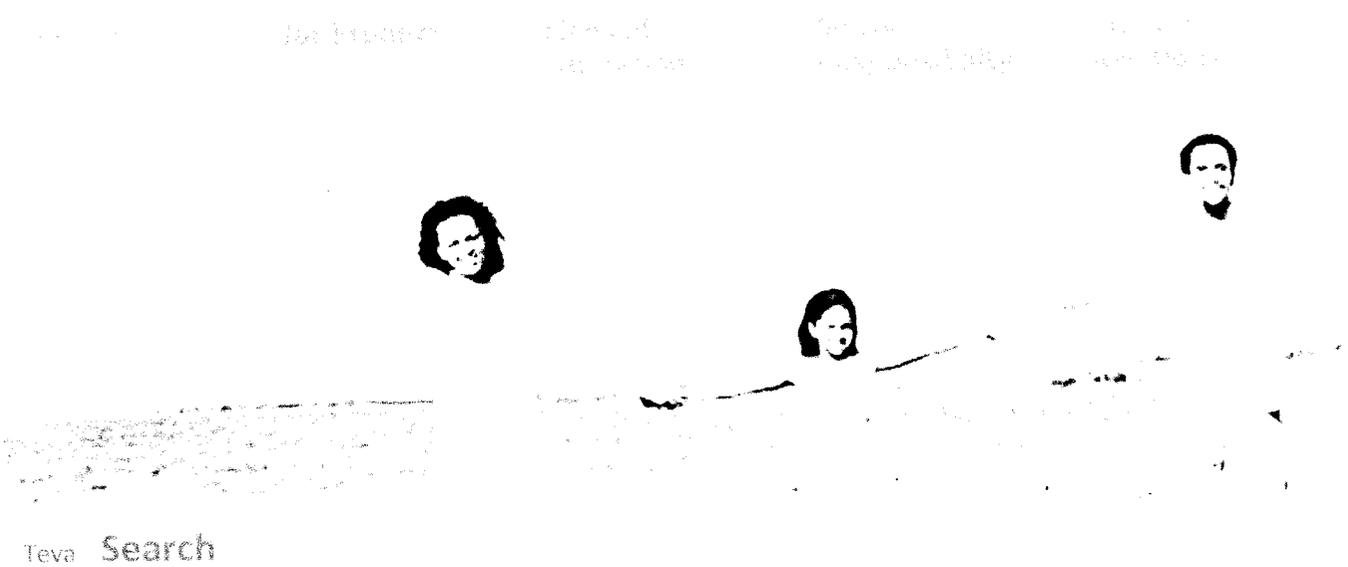
Current Trademark Status:

3/1/2012
SECOND EXTENSION - GRANTED

Free Trademark Search:

Search:





Teva Search

We did not find any results for **ibreathe**.

Suggestions:

- Ensure words are spelled correctly.
- Try using synonyms or related searches.
- Try broadening your search by searching from a different site.
- Try removing search refinements or using more general keywords.

Additional resources:

Get additional search tips by visiting [Teva Search Tips](#).
If you cannot find a page that you know exists, contact your administrator.

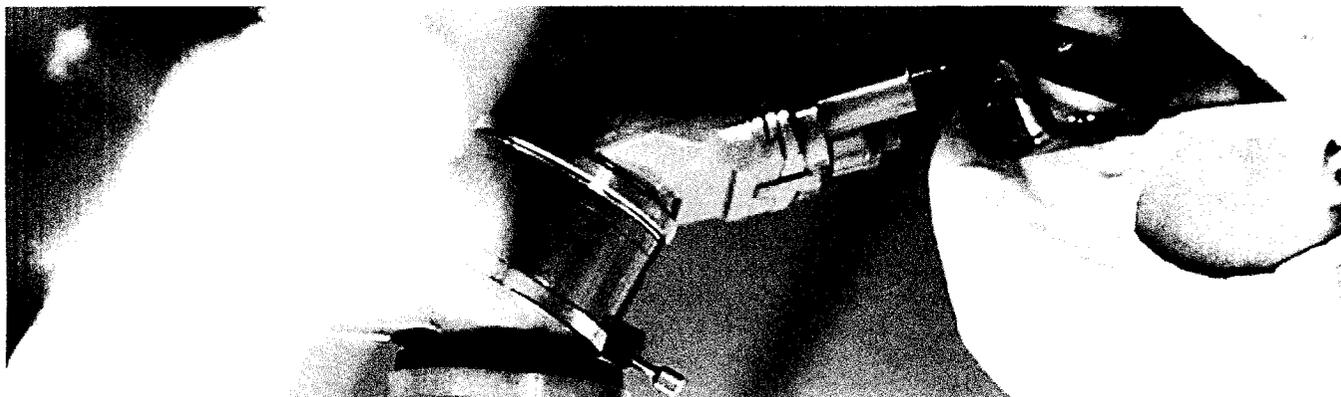
Home

Our Products

Lines of
Operation

Social
Responsibility

Investor
Relations



Teva Our Products **Respiratory**

Central Nervous System
(CNS)

Women's Health

Respiratory

Pain

Oncology



QVAR

- (1) Maintenance treatment of asthma as prophylactic therapy.
- (2) For asthma patients who require systemic corticosteroid administration to eliminate the need for the systemic corticosteroids.

ProAir HFA

- (1) For the treatment or prevention of bronchospasm in patients with r
- (2) For the prevention of exercise-induced bronchospasm.



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nasal air filter strips

indoor/outdoor relief
non-invasive, drug-free
single-use disposable strips

10 single-use high efficiency MEGA 12

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