

ESTTA Tracking number: **ESTTA682015**

Filing date: **07/06/2015**

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

Proceeding	91215699
Party	Defendant Holaira, Inc.
Correspondence Address	BARBARA J GRAHN OPPENHEIMER WOLFF & DONNELLY LLP 222 S 9TH ST , STE 2000 MINNEAPOLIS, MN 55402 3338 UNITED STATES bgrahn@oppenheimer.com, dhansen@oppenheimer.com
Submission	Defendant's Notice of Reliance
Filer's Name	Dennis Hansen
Filer's e-mail	dhansen@oppenheimer.com, bgrahn@oppenheimer.com, trade- marks@oppenheimer.com
Signature	/Dennis Hansen/
Date	07/06/2015
Attachments	Applicant Non-Confidential Exhibits 42-45 to Notice of Reliance.pdf(5379224 bytes) Applicant Non-Confidential Exhibits 46-51 to Notice of Reliance.pdf(4882164 bytes) Applicant Non-Confidential Exhibits 52-61 to Notice of Reliance.pdf(4428029 bytes) Applicant Non-Confidential Exhibits 62-71 to Notice of Reliance.pdf(2831511 bytes) Applicant Non-Confidential Exhibits 72-78 to Notice of Reliance.pdf(5618508 bytes) Applicant Non-Confidential Exhibits 80-81 to Notice of Reliance.pdf(1482832 bytes)

APPLICANT'S EXHIBIT 42

Owner Name: NOVARTIS AG
Owner Address: CH-4056
Basel
SWITZERLAND
Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Maury M. Tepper, III
Attorney Primary Email Address: mtepper@teiplaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Maury M. Tepper, III
Tepper & Eyster, PLLC
3724 Benson Drive
RALEIGH, NORTH CAROLINA 27609
UNITED STATES
Phone: 919-861-8903
Fax: 919-861-8913
Correspondent e-mail: mtepper@teiplaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Steven H. Hartman
Phone: 862-778-8031
Fax: 973-781-8060
Domestic Representative e-mail: steven.hartman@group.novartis.com
Domestic Representative e-mail Authorized: No

Prosecution History

Date	Description	Proceeding Number
Sep. 09, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 09, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Sep. 09, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Aug. 02, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 20, 2005	REGISTERED-PRINCIPAL REGISTER	
Nov. 18, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Sep. 27, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	71441
Sep. 20, 2004	ASSIGNED TO LIE	71441
Sep. 17, 2004	ASSIGNED TO LIE	74193
Sep. 16, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 09, 2004	ASSIGNED TO EXAMINER	76843
Sep. 09, 2004	CASE FILE IN TICRS	
Sep. 04, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 24, 2004	USE AMENDMENT FILED	
Aug. 24, 2004	TEAS STATEMENT OF USE RECEIVED	
Jun. 08, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 16, 2004	PUBLISHED FOR OPPOSITION	
Feb. 25, 2004	NOTICE OF PUBLICATION	
Jan. 20, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 2004	ASSIGNED TO EXAMINER	76843

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. 09, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG
OLIVE LAW GROUP PLLC
125 EDINBURGH SOUTH DR STE 100
CARY NC , 27511 6484
UNITED STATES

Correspondent e-mail: jrnifong@olivelawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	

Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Acella Pharmaceuticals, LLC

Correspondent Address: CHARLES W FORLIDAS
MILLER MARTIN PLLC
1170 PEACHTREE ST NE FL 8
ATLANTA GA , 30309
UNITED STATES

Correspondent e-mail: cforlidas@millermartin.com , TrademarkNotices@millermartin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	

Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609 7321
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com , athomson@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	

APPLICANT'S EXHIBIT 43

Attorney/Correspondence Information

Attorney of Record

Attorney Name: MAURY M. TEPPER III **Docket Number:** 51653.627.1
Attorney Primary Email Address: steven.hartman@group.novartis.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: Maury M. Tepper, III
Tepper & Eyster, PLLC
3724 Benson Drive
Raleigh, NORTH CAROLINA 27609
UNITED STATES
Phone: 919-861-8903 **Fax:** 919-861-8913
Correspondent e-mail: mtepper@teiplaw.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: MAURY M. TEPPER III **Phone:** 862-778-8031
Fax: 973-781-8060
Domestic Representative e-mail: steven.hartman@group.novartis.com **Domestic Representative e-mail Authorized:** No

Prosecution History

Date	Description	Proceeding Number
Apr. 25, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Sep. 09, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 09, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Sep. 09, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Aug. 02, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2006	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	76537
Mar. 03, 2006	ASSIGNED TO LIE	76537
Mar. 01, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 28, 2006	STATEMENT OF USE PROCESSING COMPLETE	73797
Feb. 02, 2006	USE AMENDMENT FILED	73797
Feb. 02, 2006	TEAS STATEMENT OF USE RECEIVED	
Aug. 02, 2005	EXTENSION 2 GRANTED	98765
Aug. 02, 2005	EXTENSION 2 FILED	98765
Aug. 02, 2005	TEAS EXTENSION RECEIVED	
Feb. 14, 2005	EXTENSION 1 GRANTED	76874
Jan. 28, 2005	EXTENSION 1 FILED	76874
Jan. 28, 2005	TEAS EXTENSION RECEIVED	
Dec. 04, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Aug. 03, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 11, 2004	PUBLISHED FOR OPPOSITION	
Apr. 21, 2004	NOTICE OF PUBLICATION	
Mar. 08, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 08, 2004	ASSIGNED TO EXAMINER	76733

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. 09, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG
OLIVE LAW GROUP PLLC
125 EDINBURGH SOUTH DR STE 100
CARY NC , 27511 6484
UNITED STATES

Correspondent e-mail: jnifong@olivelawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	

Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

Defendant**Name:** Acella Pharmaceuticals, LLC**Correspondent Address:** CHARLES W FORLIDAS
MILLER MARTIN PLLC
1170 PEACHTREE ST NE FL 8
ATLANTA GA , 30309
UNITED STATES**Correspondent e-mail:** cforlidas@millermartin.com , TrademarkNotices@millermartin.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	

Plaintiff(s)**Name:** Novartis AG**Correspondent Address:** MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609 7321
UNITED STATES**Correspondent e-mail:** mtepper@teiplaw.com , athomson@teiplaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	

APPLICANT'S EXHIBIT 44

Generated on: This page was generated by TSDR on 2015-07-02 16:31:01 EDT

Mark: ZENUAIR

ZENUAIR

US Serial Number: 79054913

Application Filing Date: Apr. 07, 2008

US Registration Number: 3623195

Registration Date: May 19, 2009

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 19, 2009

Publication Date: Mar. 03, 2009

Mark Information

Mark Literal Elements: ZENUAIR

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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

Related Properties Information

International Registration Number: 0967370

International Registration Date: Apr. 07, 2008

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: Pharmaceutical preparations for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Almirall, S.A.

Owner Address: Ronda General Mitre, 151
E-08022 Barcelona
SPAIN

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass

Docket Number: LABA 0813114

Attorney Primary Email sdouglass@fzlz.com

Attorney Email No

Holaira001619

Address:

Authorized:

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: (212) 813-5900

Fax: (212) 813-5901

Domestic Representative e-mail: sdouglass@fzlj.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2009	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 23, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Aug. 31, 2009	FINAL DISPOSITION NOTICE SENT TO IB	
Aug. 31, 2009	FINAL DISPOSITION PROCESSED	72589
Aug. 19, 2009	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
May 19, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 03, 2009	PUBLISHED FOR OPPOSITION	
Feb. 11, 2009	NOTICE OF PUBLICATION	
Jan. 27, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jan. 23, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 22, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 22, 2009	LETTER OF SUSPENSION E-MAILED	6332
Jan. 22, 2009	SUSPENSION LETTER WRITTEN	72414
Jan. 06, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Jan. 06, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Dec. 27, 2008	ASSIGNED TO LIE	74221
Dec. 10, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 10, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 10, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 08, 2008	REFUSAL PROCESSED BY IB	
Jul. 22, 2008	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 22, 2008	REFUSAL PROCESSED BY MPU	67445
Jul. 22, 2008	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 21, 2008	NON-FINAL ACTION WRITTEN	72414
Jul. 21, 2008	ASSIGNED TO EXAMINER	72414
Jul. 21, 2008	NEW APPLICATION ENTERED IN TRAM	
Jul. 18, 2008	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	68359
Jul. 17, 2008	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0967370

International Registration Date: Apr. 07, 2008

Priority Claimed Flag: Yes

Date of Section 67 Priority Claim: Nov. 16, 2007

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Date of International Registration Status: Jul. 17, 2008

Notification of Designation Date: Jul. 17, 2008

Date of Automatic Protection: Jan. 17, 2010

International Registration Apr. 07, 2018

Renewal Date:

First Refusal Flag: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 19, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Laboratorios Almirall, S.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: 4083/0556

Pages: 2

Date Recorded: Oct. 23, 2009

Supporting Documents: [assignment-tm-4083-0556.pdf](#)

Assignor

Name: LABORATORIOS ALMIRALL, S.A.

Execution Date: Aug. 11, 2009

Legal Entity Type: UNKNOWN

State or Country Where Organized: SPAIN

Assignee

Name: ALMIRALL, S.A.

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: RONDA GENERAL MITRE, 151
E-08022 BARCELONA, SPAIN

Correspondent

Correspondent Name: ALMIRALL, S.A.

Correspondent Address: RONDA GENERAL MITRE, 151
E-08022 BARCELONA
SPAIN

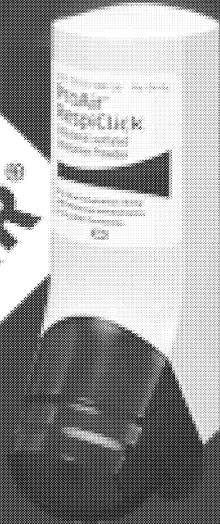
Domestic Representative - Not Found

APPLICANT'S EXHIBIT 45

ProAir® RespiClick

(albuterol sulfate) Inhalation Powder

**THE LATEST
INHALER
TECHNOLOGY
FROM PROAIR®**



LET'S GO!

**FROM
THE BRAND
YOU KNOW**



LEARN MORE

LEGAL NOTICE | PRIVACY POLICY

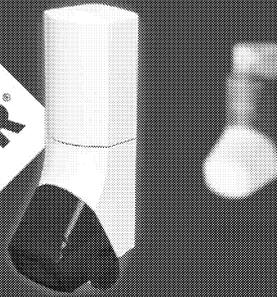
©2015 Teva Respiratory, LLC. This site is intended for U.S. Residents only. All Rights Reserved.
ProAir® and RespiClick™ are trademarks owned by Teva Respiratory, LLC.
PRS-40009



ProAir® RespiClick™
(albuterol sulfate) Inhalation Powder

RESPICLICK HFA HEALTHCARE PROFESSIONALS

**THE LATEST
INHALER
TECHNOLOGY
FROM PROAIR®**



LET'S GO!

APPLICANT'S EXHIBIT 46

FOR U.S.

PATIENTS

HEALTHCARE PROVIDERS



"My Asthma is Allergic Asthma"
 XOLAIR is a treatment for patients 12 years of age and older with moderate to severe persistent allergic asthma who are not controlled on inhaled steroids (see who XOLAIR is for below).

[LEARN MORE →](#)

What to Expect on XOLAIR

An overview of starting on XOLAIR

[READ MORE →](#)

support for you

Free educational kit to help you talk to your doctor about whether XOLAIR is right for you

[SIGN UP NOW →](#)

XOLAIR Financial Resources

Eligible patients pay the first \$5 of their XOLAIR Co-pay

[SEE YOUR OPTIONS →](#)

What is XOLAIR?

XOLAIR® (omalizumab) for subcutaneous use is an injectable prescription medicine used to treat adults and children 12 years of age and older with moderate to severe persistent asthma whose asthma symptoms are not controlled by asthma medicines called inhaled corticosteroids. A skin or blood test is performed to see if you have allergies to year-round allergens.

XOLAIR is not used to treat other allergic conditions, acute bronchospasm or status asthmaticus.

IMPORTANT SAFETY INFORMATION

[INDICATION AND IMPORTANT SAFETY INFORMATION](#)



[PRESCRIBING INFORMATION](#)



A severe allergic reaction called anaphylaxis can happen when you receive XOLAIR. The reaction can occur after the first dose, or after many doses. It may also occur right after a XOLAIR injection or days later. Anaphylaxis is a life-threatening condition and can lead to death. Go to the nearest emergency room right away if you have any of these symptoms of an allergic reaction:

- wheezing, shortness of breath, cough, chest tightness, or trouble breathing
- low blood pressure, dizziness, fainting, rapid or weak heartbeat, anxiety, or feeling of "impending doom"
- flushing, itching, hives, or feeling warm
- swelling of the throat or tongue, throat tightness, hoarse voice, or trouble swallowing

Your healthcare provider will monitor you closely for symptoms of an allergic reaction while you are receiving XOLAIR and for a period of time after your injection. Your healthcare provider should talk to you about getting medical treatment if you have symptoms of an allergic reaction after leaving the healthcare provider's office or treatment center.

Do not receive XOLAIR if you are allergic to omalizumab or any of the ingredients in XOLAIR.

Before receiving XOLAIR, tell your healthcare provider about all of your medical conditions, including if you:

- have any other allergies (such as food allergy or seasonal allergies)
- have sudden breathing problems (bronchospasm)
- have ever had a severe allergic reaction called anaphylaxis
- have or have had a parasitic infection
- have or have had cancer
- are pregnant or plan to become pregnant. It is not known if XOLAIR may harm your unborn baby.
- if you become pregnant while taking XOLAIR, talk to your healthcare provider about registering with the XOLAIR Pregnancy Registry. You can get more information and register by calling 1-866-4XOLAIR (1-866-496-5247) or visit www.XOLAIRpregnancyregistry.com.
- are breastfeeding or plan to breastfeed. It is not known if XOLAIR passes into your breast milk.

Tell your healthcare provider about all the medicines you take, including prescription and over-the-counter medicines, vitamins, or herbal supplements.

How should I receive Xolair?

- Xolair should be given by your healthcare provider, in a healthcare setting.
- Xolair is given in 1 or more injections under the skin (subcutaneous), 1 time every 2 or 4 weeks.
- In asthma patients, a blood test for a substance called IgE must be performed prior to starting Xolair to determine the appropriate dose and dosing frequency. Do not decrease or stop taking any of your other asthma medicine unless your healthcare providers tell you to.
- You may not see improvement in your symptoms right away after Xolair treatment.

What are the possible side effects of XOLAIR? XOLAIR may cause serious side effects, including:

- See, "What is the most important information I should know about XOLAIR" regarding the risk of anaphylaxis.
- Cancer. People who receive treatment with XOLAIR may have a higher chance for getting certain types of cancer.
- Fever, muscle aches, and rash. Some people who take XOLAIR get these symptoms 1 to 5 days after receiving a XOLAIR injection. If you have any of these symptoms, tell your healthcare provider.
- Parasitic infection. Some people who are at a high risk for parasite (worm) infections, get a parasite infection after receiving XOLAIR. Your healthcare provider can test your stool to check if you have a parasite infection.
- Some people who receive XOLAIR have had chest pain, heart attack, blood clots in the lungs or legs, or temporary symptoms of weakness on one side of the body, slurred speech, or altered vision. It is not known whether this is caused by Xolair.

The most common side effects of XOLAIR:

- Pain especially in your arms and legs, dizziness, feeling tired, skin rash, bone fractures, and pain or discomfort of

These are not all the possible side effects of XOLAIR. Call your doctor for medical advice about side effects.

You may report side effects to the FDA at (800) FDA-1088 or www.fda.gov/medwatch. You may also report side effects to Genentech at (888) 835-2555 or Novartis Pharmaceuticals Corporation at 888-669-6682.

Please see full [Prescribing Information](#), including [Medication Guide](#), for additional important safety information.



©2015 Genentech USA, Inc. and Novartis Pharmaceuticals Corporation. All rights reserved.

This Web site is a service of Genentech, Inc. and Novartis Pharmaceuticals Corporation and is intended for US residents only.

[Prescribing Information](#) | [Medication Guide](#) | [The EXPECT Pregnancy Registry](#) | [Site Map](#) | [Contact Us](#) | [Terms and Conditions](#) | [Privacy Policy](#)

APPLICANT'S EXHIBIT 47

Google Jen

Web Images Shopping News Videos More Search tools

About 686,000 results (0.20 seconds)

Official Product Site

www.advair.com/

ADVAIR® (fluticasone propionate and salmeterol)

Click to see full safety and prescribing information, including boxed warning. [More info](#)

[Savings Offers](#) [About ADVAIR](#)

[Risks and Side Effects](#)

ADVAIR for Asthma Treatment and COPD Treatment ...

www.advair.com/

Learn more about ADVAIR DISKUS and ADVAIR HFA for the treatment of asthma and ADVAIR DISKUS 250/50 for the treatment of COPD.

[Savings for ADVAIR](#) - [About ADVAIR](#) - [Risks and Side Effects](#)

Savings for ADVAIR | ADVAIR.com

www.advair.com/savings-and-offers.html

Two ways to save on ADVAIR. Get your first 30-day prescription of ADVAIR for free, or if eligible, you can print a coupon to save on your next prescription or refill.

Advair: Uses, Dosage & Side Effects - Drugs.com

www.drugs.com/advair.html

Advair is used to prevent asthma attacks and to treat COPD. Learn about side effects, interactions and indications.

[Side Effects](#) - [Dosage](#) - [Advair Diskus Dosage](#) - [Advair Diskus Drug Interactions](#)

Advair Diskus inhalation : Uses, Side Effects, Interactions ...

www.webmd.com/drugs/2/drug-20538/advair-diskus.../details [WebMD](#)

Find patient medical information for Advair Diskus inhalation on WebMD including its uses, side effects and safety, interactions, pictures, warnings and user ...

Advair Diskus (Fluticasone Propionate) Drug Information ...

www.rxlist.com/advair-diskus-drug.htm [RxList](#)

Learn about the prescription medication Advair Diskus (Fluticasone Propionate), drug uses, dosage, side effects, drug interactions, warnings, reviews and ...

Advair Diskus Side Effects and Drug Interactions - RxList

www.rxlist.com/advair-diskus-drug/side-effects-interactions.htm [RxList](#)

Learn about drug side effects and interactions for the drug Advair Diskus (Fluticasone Propionate).

Fluticasone/salmeterol - Wikipedia, the free encyclopedia

<https://en.wikipedia.org/wiki/Fluticasone/salmeterol> [Wikipedia](#)

Advair is available in several dosage strengths, depending on the patient's country, as a DPI (dry powder inhaler). The smallest dosage is 100 µg fluticasone/ 50 ...

Fluticasone And Salmeterol (Inhalation Route) - Mayo Clinic

www.mayoclinic.org/drugs-supplements/.../drg-20063110 [Mayo Clinic](#)

Description and Brand Names. Drug information provided by: Micromedex. US Brand Name. Advair Diskus; Advair Diskus 10050; Advair Diskus 25050; Advair ...

Advair: How Safe Is This Drug? | Medpage Today

www.medpagetoday.com/Allergy/Immunology/.../36000 [MedPage Today](#)

Nov 18, 2012 - The asthma drug Advair is used by millions of patients worldwide and for many patients it is an effective treatment, but the drug is often used as ...

ADVAIR DISKUS - GSK Source

<https://www.gsksource.com/.../Advair.../ADVAIR-DISKUS-PI-MG.PDF>

Related articles

ADVAIR DISKUS 100/50 (fluticasone propionate 100 mcg and salmeterol. 50 mcg ... one of the active ingredients in ADVAIR DISKUS, increase the risk.

Searches related to advair

- [advair side effects](#) [advair price](#)
- [advair coupon](#) [advair dosage](#)
- [advair 250](#) [advair hfa](#)

Fluticasone/salmeterol

Prescription drug
Consult a doctor if you have a medical concern.

Prevents symptoms of asthma or COPD (chronic obstructive pulmonary disease). This medicine contains a steroid and a long-acting beta-2 (LABA).

[Side effects](#) - [Warnings](#) - [How to use](#)
National Library of Medicine

Combination of: Fluticasone, Salmeterol

Pregnancy risk: Category C (Risk cannot be ruled out)

Drug classes: Corticosteroid, Beta2-adrenergic agonist

Other drugs in same class: Salmeterol, Fluticasone, More

May treat: Asthma

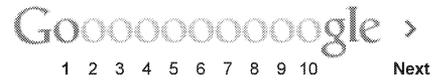
People also search for

- [Salmeterol](#)
- [Fluticasone propionate](#)
- [Budesonide/formoterol \(Symbicort\)](#)
- [Fluticasone \(Flonase\)](#)
- [Albuterol \(Proventil\)](#)

Sources include: US FDA, US NLM, DailyMed, Micromedex

Fe

advair **generic** advair **classification**



Minneapolis, MN - From your preferences - Use precise location - Learn more

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

APPLICANT'S EXHIBIT 48

[Prescribing Information](#) including [Boxed Warning](#) and [Medication Guide](#) for ADVAIR DISKUS [For US Healthcare Professionals](#) [Site Map](#)

Search

Go

[Prescribing Information](#) including [Boxed Warning](#) and [Medication Guide](#) for ADVAIR HFA [For US Healthcare Professionals](#)

ADVAIR DISKUS[®] 100/50, 250/50, 500/50
(fluticasone propionate 100, 250, 500 mcg
and salmeterol 50 mcg inhalation powder)

ADVAIR[®]HFA 45/21, 115/21, 230/21
(fluticasone propionate 45, 115, 230 mcg
and salmeterol 21 mcg) Inhalation Aerosol

IMPORTANT SAFETY INFORMATION

People with asthma who take long-acting beta₂-adrenergic agonist (LABA) medicines, such as salmeterol (one of the medicines in ADVAIR), have an increased risk of death from asthma problems.

[See full Important Safety Information below](#) ▼

About ADVAIR

Talk to your doctor to learn more about ADVAIR.

A A A

Risks and Side Effects

PRESCRIBING INFORMATION

Click to see full safety and Prescribing Information, including Boxed Warning, for ADVAIR DISKUS and ADVAIR HFA.

[MORE INFO FOR ADVAIR DISKUS](#)

[MORE INFO FOR ADVAIR HFA](#)

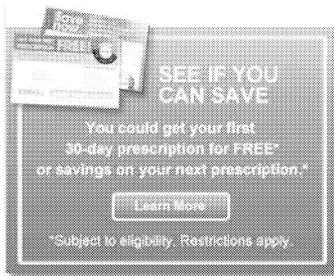
MEDICATION GUIDE

Read the Medication Guide for ADVAIR DISKUS and Medication Guide for ADVAIR HFA.

[MEDICATION GUIDE FOR ADVAIR DISKUS](#)

[MEDICATION GUIDE FOR ADVAIR HFA](#)

Savings and Offers
for ADVAIR



Approved Uses for ADVAIR

ADVAIR DISKUS is a prescription medicine for the treatment of asthma in patients 4 years and older.

ADVAIR HFA is a prescription medicine for the treatment of asthma in patients 12 years and older.

ADVAIR should be used only if your healthcare provider decides that your asthma is not well controlled with a long-term asthma control medicine, such as an inhaled corticosteroid.

ADVAIR DISKUS 250/50 is a prescription medicine approved for adults with chronic obstructive pulmonary disease (COPD), including chronic bronchitis, emphysema, or both. You should only take 1 inhalation of ADVAIR DISKUS twice a day. Higher doses will not provide additional benefits.

ADVAIR is not for, and should not be used to treat, sudden symptoms of asthma or COPD. ADVAIR won't replace a rescue inhaler.

ADVAIR HFA is not approved for the treatment of COPD.

Important Safety Information for ADVAIR

- **People with asthma who take long-acting beta₂-adrenergic agonist (LABA) medicines, such as salmeterol (one of the medicines in ADVAIR), have an increased risk of death from asthma problems. It is not known whether fluticasone propionate, the other medicine in ADVAIR, reduces the risk of death from asthma problems seen with LABA medicines, such as salmeterol.**
- **It is not known if LABA medicines, such as salmeterol, increase the risk of death in people with COPD.**
- **Call your healthcare provider if breathing problems worsen over time while using ADVAIR. You may need different treatment.**
- **Get emergency medical care if:**
 - your breathing problems worsen quickly
 - you use your rescue inhaler, but it does not relieve your breathing problems
- **ADVAIR should be used only if your healthcare provider decides that your asthma is not well controlled with a long-term asthma control medicine, such as an inhaled corticosteroid.**
- **When your asthma is well controlled, your healthcare provider may tell you to stop taking ADVAIR. Your healthcare provider will decide if you can stop ADVAIR without loss of asthma control. Your healthcare provider may prescribe a different asthma control medicine for you, such as an inhaled corticosteroid.**
- **Children and adolescents with asthma who take LABA medicines may have an increased risk of hospitalization for asthma problems.**
- **Do not use ADVAIR to treat sudden symptoms of asthma or COPD. Always have a rescue inhaler with you to treat sudden symptoms.**
- **Do not use ADVAIR DISKUS if you have a severe allergy to milk proteins. Do not use ADVAIR DISKUS or ADVAIR HFA if you are allergic to any of the ingredients in the products. Ask your healthcare provider if you are not sure.**
- **Do not use ADVAIR more often than prescribed.**
- **Do not take ADVAIR with other medicines that contain a LABA for any reason.**
- **Tell your healthcare provider about all the medicines you take and about all of your health conditions.**
- **ADVAIR can cause serious side effects, including:**
 - **fungal infection in your mouth or throat (thrush).** Rinse your mouth with water without swallowing after using ADVAIR to help reduce your chance of getting thrush.
 - **pneumonia.** People with COPD have a higher chance of getting pneumonia. ADVAIR DISKUS may increase the chance of getting pneumonia. Call your healthcare provider if you notice any of the following symptoms:
 - increase in mucus (sputum) production
 - change in mucus color
 - fever
 - chills
 - increased cough
 - increased breathing problems

[Prescribing Information](#) including Boxed Warning and Medication Guide for ADVAIR DISKUS[®] For US Healthcare Professionals, Site Map

[Prescribing Information](#) including Boxed Warning and Medication Guide for ADVAIR HFA[®] For US Healthcare Professionals, Site Map

ADVAIR DISKUS[®] 100/50, 250/50, 500/50
(fluticasone propionate 100, 250, 500 mcg
and salmeterol 50 mcg inhalation powder)

ADVAIR[®]HFA 45/21, 115/21, 230/21
(fluticasone propionate 45, 115, 230 mcg
and salmeterol 21 mcg) Inhalation Aerosol

- **weakened immune system and increased chance of getting infections (immunosuppression).** You should avoid exposure to chickenpox and measles, and, if exposed, tell your healthcare provider right away. Worsening of existing tuberculosis, fungal, bacterial, viral, or parasitic infections, or herpes infection of the eye (ocular herpes simplex) may occur.
- **reduced adrenal function.** This can happen when you stop taking an oral corticosteroid (such as prednisone) and start taking a medicine containing an inhaled corticosteroid (such as ADVAIR). When your body is with asthma as you take corticosteroids to reduce emergency visits (LABA) medicines such as COPD symptoms (bronchodilators) as ADVAIR HFA, have an increased risk of death from asthma problems.

[See Important Safety Information below](#) ▼

- feeling tired
 - lack of energy
 - weakness
 - nausea and vomiting
 - low blood pressure
 - **sudden breathing problems immediately after inhaling your medicine**
 - **serious allergic reactions.** Call your healthcare provider or get emergency medical care if you get any of the following symptoms of a serious allergic reaction:
 - rash
 - hives
 - swelling of your face, mouth, and tongue
 - breathing problems
 - **effects on heart**
 - increased blood pressure
 - a fast or irregular heartbeat
 - chest pain
 - **effects on nervous system**
 - tremor
 - nervousness
 - **bone thinning or weakness (osteoporosis)**
 - **slowed growth in children.** A child's growth should be checked often.
 - **eye problems including glaucoma and cataracts.** You should have regular eye exams while using ADVAIR.
 - **changes in laboratory blood values (sugar, potassium, certain types of white blood cells)**
 - ADVAIR HFA can cause **throat tightness.**
 - **Common side effects of ADVAIR DISKUS for asthma include:**
 - upper respiratory tract infection
 - throat irritation
 - hoarseness and voice changes
 - thrush in your mouth or throat
 - bronchitis
 - cough
 - headache
 - nausea and vomiting
- In children with asthma, infections in the ear, nose, and throat are common.
- **Common side effects of ADVAIR DISKUS 250/50 for COPD include:**
 - thrush in your mouth or throat
 - throat irritation
 - hoarseness and voice changes
 - viral respiratory infections
 - headache
 - muscle and bone pain
 - **Common side effects of ADVAIR HFA for asthma include:**
 - upper respiratory tract infection
 - throat irritation
 - hoarseness and voice changes
 - headache
 - dizziness
 - nausea and vomiting
 - Rinse your mouth with water without swallowing after using ADVAIR to help reduce your chance of getting thrush.

[Manage Communications](#)

You are encouraged to report negative side effects of prescription drugs to the FDA. Visit www.fda.gov/medwatch, or call 1-800-FDA-1088.

[Legal Notices](#) | [Privacy Statement](#) | [Medicine Savings](#) | [Contact Us](#)

This website is funded and developed by GSK.
This site is intended for US residents only.
©2015 GSK group of companies. All rights reserved.



[Prescribing Information including Boxed Warning and Medication Guide for ADVAIR DISKUS](#) [For US Healthcare Professionals](#) [Site Map](#)

Search

Go

 [Prescribing Information including Boxed Warning and Medication Guide for ADVAIR HFA](#) [For US Healthcare Professionals](#)

ADVAIR DISKUS[®] 100/50, 250/50, 500/50
(fluticasone propionate 100, 250, 500 mcg
and salmeterol 50 mcg inhalation powder)

ADVAIR HFA[®] 45/21, 115/21, 230/21
(fluticasone propionate 45, 115, 230 mcg
and salmeterol 21 mcg) Inhalation Aerosol

IMPORTANT SAFETY INFORMATION

People with asthma who take long-acting beta₂-adrenergic agonist (LABA) medicines, such as salmeterol (one of the medicines in ADVAIR), have an increased risk of death from asthma problems.

[See full Important Safety Information below](#) ▼

APPLICANT'S EXHIBIT 49

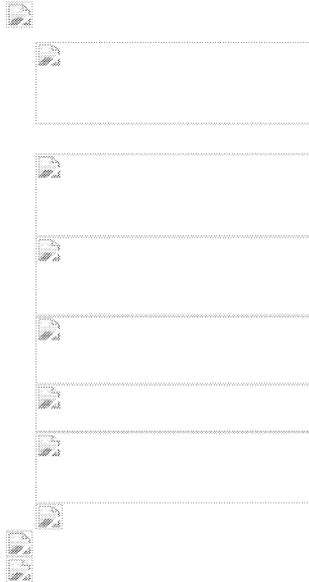
INTERNET ARCHIVE
Wayback Machine

80 captures
12 Dec '08 - 18 Mar '15

http://www.maxair.com/ Go

APR SEP OCT
3
2010 2011 2012

scribing Information
Help ?



Maxair Autohaler in
prime it. Lift the lev
device, seal your lips
puff of medicine con

Maxair Autohaler is
medication when yo
pressing on the inha
You don't need to u

Indication:

Maxair[®] Autohaler[®] is indicated for the prevention and reversal of bronchospasm in patients 12 years of age and older with reversible bronchospasm including asthma. It may be used with or without concurrent theophylline and/or corticosteroid therapy.

Safety Information:

WARNINGS: The effects of Maxair Autohaler may last 5 hours or longer. Therefore, it should not be used more frequently than recommended. Do not increase the number or frequency of doses without speaking with the prescribing physician. If the recommended dosage does not provide relief of symptoms, or your symptoms get worse, speak with your physician. While taking Maxair Autohaler, other inhaled medicines should not be used unless prescribed.

Use of this Web site is governed by our [Terms of Use](#) and [Privacy Policy](#) ©2009 Graceway Pharmaceuticals, LLC

APPLICANT'S EXHIBIT 50



Make Every Testing Opportunity Count

Alere™ HIV Combo gives you a new advantage in the fight against AIDS.

[Discover More >](#)

Simple. Fast. Reliable

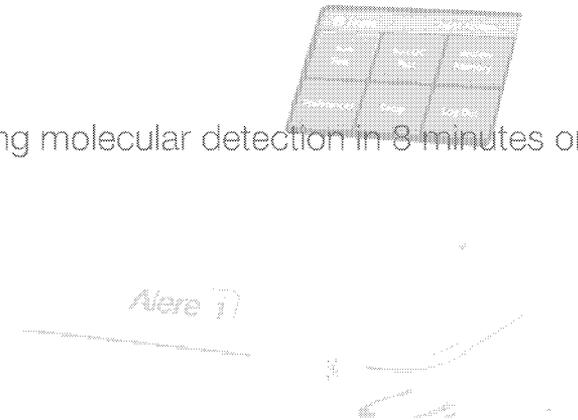
The Alere Afinion Analyzer makes it fast and easy to get accurate HbA1c, Lipid Panel, ACR, and CRP results at the point-of-care.

[Read More >](#)

Alere™ i Strep A

Unique isothermal amplification technology providing molecular detection in 8 minutes or less.

[Discover More >](#)

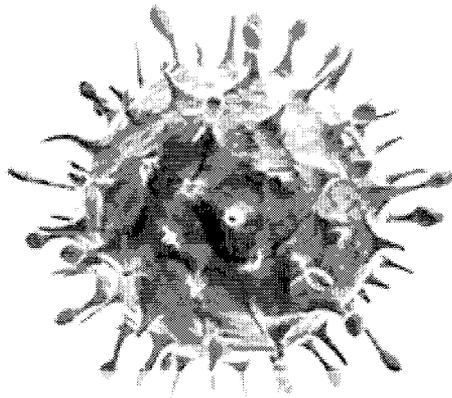


Information on this site may not be applicable for your country. I accept



System.

Discover more >



Discover more about the Antimicrobial Stewardship initiative with Test Target Treat™

Learn more >

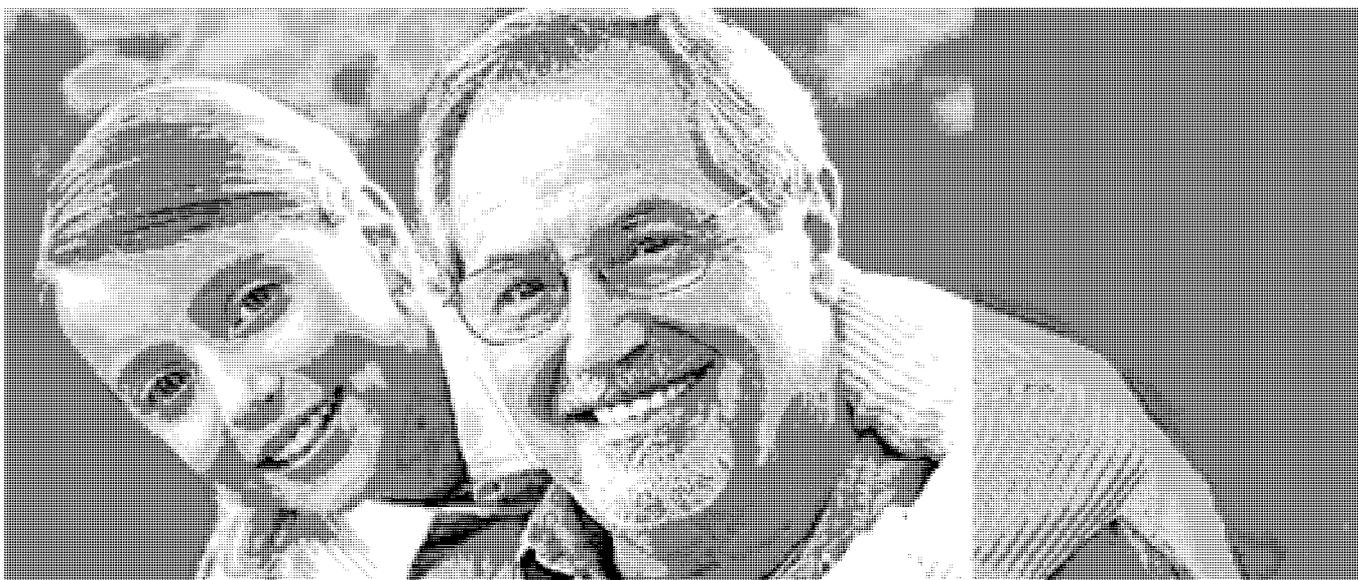
Fast & Reliable Diabetes Results

The rapid, accurate results of HbA1c, ACR, and Lipid Panel can be important tools in monitoring the effectiveness of diabetes treatment and preventing long term complications. Immediate results mean immediate advice.

Find out more >



See how we help Dr. Wright provide his patients with access to point-of-care testing.



Treating diabetes today can help prevent costly complications tomorrow. We understand the importance of now.

[Download our ebook PDF >](#)

Alere Culture

Quality First



Quality touches everything we create, do and deliver. Healthcare professionals and patients depend on Alere for the highest quality products.

[More about Quality >](#)

Patient Focus



We empower employees to make the right choices with the patient in mind. And our actions have a profound impact on people's lives.

More about Patient Focus >

Innovation



We deliver new ideas that work. We lead our industry by deploying transformational diagnostic products and health information solutions. We do not chase the market – we create it. We do not react - we lead.

More about Innovation >

Teamwork



Collaboration fuels our business. Whether it happens between employees, partners or customers, collaboration unlocks innovation, insight, and engagement.

More about Teamwork >

Communication



Sharing information is everyone's responsibility. It is a significant tool for greater engagement and strategic alignment.

More about Communication >

Accountability



Do the right things and get the right things done. We believe it is up to us, and none other, to ensure success. Creating higher levels of ownership engages and empowers us to do all that we can to ensure results are achieved.

More about Accountability >

News and Press

Alere Headlines

Virtual Reality Shows how Dangerous it is to Drive Drunk and Stoned

Jun 27 2015

Advancing TB Test Technology, Where it Matters Most

Jun 12 2015

Point-of-Care Diagnostic Tests Streamline Patient Care

May 21 2015

[View all headlines >](#)

Press Releases

Alere Inc. Announces Completion of Offering of \$425 Million of Senior Subordinated Notes

Jun 24 2015

Alere Partners with Local and National Stakeholders in Support of National HIV Testing Day

Jun 23 2015

Alere Inc. Announces Refinancing of Senior Secured Credit Facilities

Jun 18 2015

[View all press releases >](#)

Events



AACC Annual Meeting & Clinical Lab Expo



July 26th – 30th – Atlanta, Georgia

Find us at Booth #4945 to learn more about our products

Contact Us

Contact Sales



Need to Reach a Sales Representative? Please use the button below to learn more about Alere, our products, and services.

Product documentation is available online via the Product Document Search page. Clicking the Education and Product Demo links on the right takes you to our library of product demonstrations.

Contact us now >

Document search >

Education >

Product Demos >

Technical Support



Need Product Assistance? Click on the button below for technical support regarding our products.

Contact Customer Service >

Investors



We appreciate your interest in Alere. Please use the contact information below for help with your inquiry.

Alere Investor Relations: **IR@alere.com**

Transfer Agent:
Computershare
P.O. Box 43078
Providence, RI 02940-3078
1 (877) 282-1168

Media



We appreciate your interest in Alere. Please use the contact information below for help with your inquiry.

Jackie Lustig, Director, Corporate Communications
Jackie.Lustig@alere.com
1 (781) 314-4009

Careers



We are delighted that you would like to become a part of Alere. Explore Alere further to see for yourself why it's a great place to work.

Click below to find out more what makes us an employer of choice and why Alere might be a great place for you.



About



Products & Services



Investors



Support



Discover how our innovative diagnostics deliver reliable and actionable information.

AlereHIV.com

Alere-i.com

PTINR.com

TestTargetTreat.com

Alere™ Knowing now matters.™

[Contact Us](#)

[Careers](#)

[Ebola Notice](#)

©2010-2015 Alere. All rights reserved. The Alere Logo and Alere are trademarks of the Alere group of companies. All other

trademarks referenced are trademarks of their respective owners. This website is governed by applicable U.S. laws and governmental regulations. The products and information contained herewith may not be accessible in all countries, and Alere takes no responsibility for such information which may not comply with local country legal process, regulation, registration and usage. Your use of this website and the information contained herein is subject to our [Website Terms and Conditions](#) and [Privacy Policy](#). Photos displayed are for illustrative purposes only. Any person depicted in such photographs is a model.

APPLICANT'S EXHIBIT 51

Westmed

When Your Care Is Critical

(800) 975-7987

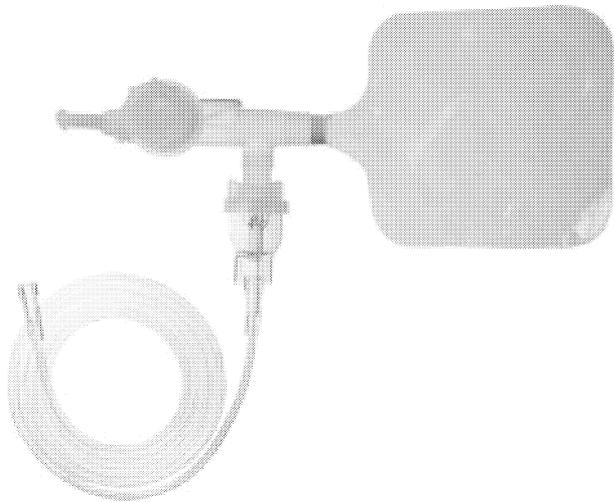
- [Westmed Home](#)
- [ABOUT](#)
- [EMPLOYEE](#)
- [EVENTS](#)
- [PRODUCTS](#)
- [Vibralung](#)

submit

Circulaire® II High-Efficiency Aerosol Drug Delivery System

Circulaire® II High-Efficiency Aerosol Drug Delivery System

Westmed, a leader in pulmonary medication delivery, introduced the original Circulaire aerosol drug delivery system to the respiratory therapy market in 1997.



In 2008, the Circulaire II was developed and featured two main design improvements: (1) the thick vinyl reservoir bag of the original Circulaire was replaced with a thin-film polyethylene reservoir bag that inflates and deflates much more readily, and (2) the small center-post one-way valve was replaced by a large top-hinged one-way “flapper” valve that is instantly responsive to the patient’s inspiratory effort and does not block the flow of any aerosol particles.

These two design changes have significantly improved the aerosol delivery performance of the Circulaire II, casting it as the top performing pneumatically-driven aerosol delivery device for adults and children.

The Circulaire II uses the conserver principle to double the rate of drug delivery: i.e, approximately two

times as much drug in the same time, or less, than all other nebulizers including breath-enhanced and breath-actuated designs, with the Highest FIA (Fraction of Inhalable Aerosol) of any pneumatic jet nebulizer.

[Learn More About FIA ...](#)

3D Animation of Circulaire II in Operation



The computerized animation demonstrates how the Circulaire II operates and why it has superior performance. During the exhalation phase, exhaled air (yellow) holds the one-way flapper valve shut and directs the exhalation out through the filter and the variable expiratory resistor. Meanwhile, the nebulizer, which is operating continuously, inflates the reservoir bag with its aerosol output.

When the subsequent inhalation begins, the patient inhales and receives aerosol from BOTH the nebulizer and the reservoir bag (light blue).

Consequently, there is little or no room air entrainment to dilute the inspired aerosol. Because the patient receives aerosol from two sources simultaneously (nebulizer plus reservoir), the inhaled mass of drug to the patient is approximately double what the patient would receive from any other non-reservoir device.

Understanding this set of repetitive steps that occur during inhalation and exhalation within the Circulaire system, as depicted in the animation above, is key to appreciating how the device is able to perform so much better than all other disposable jet nebulizers.

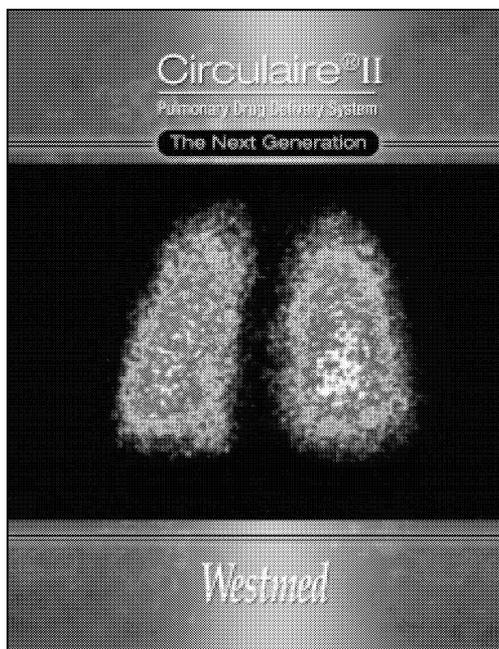
Circulaire II Features and Benefits

The Circulaire II system has many features and benefits ranging from enhanced drug delivery, to an

integral expiratory filter to protect healthcare workers, to the ability to easily add Positive Expiratory Pressure (PEP) to the treatment to simultaneously take advantage of its physiologic benefits on gas exchange, aerosol distribution and deposition and airway clearance.

[More . . .](#)

[Download the Circulaire II Brochure](#)



The [Circulaire II Brochure](#) provides an overview of the Circulaire II High-Efficiency Aerosol Drug Delivery System, the components parts, and the basic ordering configurations.

For more in-depth technical information, including in vitro studies, please see the Technical and Educational Resources section below.

[Technical & Educational Resources](#)

“Understanding the Hess Paper.” This Westmed Clinical Education Bulletin dissects the classic Hess and colleagues paper wherein they compare functional performance of 17 different small volume nebulizers and determine that the Westmed VixOne is a top performer.

[Download, PDF, 5 Mb.](#)

Gardenhire D, “An In Vitro Comparison of Dosimetric and Constant Output Nebulizers VixOne versus AeroEclipse” (Respir Care 2007). This bench study documents that the VixOne nebulizer outperforms the AeroEclipse II nebulizer in both continuous mode and breath actuated mode with respect to inhaled mass, and shows that there is no statistically significant difference between the two devices.

[Download, PDF, 102 Kb.](#)

Dennis J, Test Report, “Circulaire II vs AeroEclipse II BAN” (SolAeroMed 2009). This bench study using the European Nebulizer Standards methodology demonstrates greater aerosol output and shorter delivery times for the VixOne nebulizer when compared to the AeroEclipse nebulizer at two different breathing patterns.

[Download, PDF 435 Kb.](#)

McPeck M, “In Vitro Inhaled Aerosol Comparison of a Conserver Nebulizer (Circulaire II) vs a Breath Actuated nebulizer (AeroEclipse II)” (Respir Care 2010). This bench study demonstrated that the Circulaire II outperforms the AeroEclipse II with respect to greater Inhaled Mass and shorter treatment times measured during 4 different breathing patterns.

[Download, PDF, 817 Kb.](#)

McPeck M, “Financial Impact Spreadsheet AARC” (Respir Care 2010). This spreadsheet analysis demonstrates how the treatment time savings of the Circulaire II can be applied on a larger scale to achieve significant department time savings during different treatment scenarios and against other common nebulizers.

[Download, PDF, 1.8 Mb.](#)

Gardenhire D, “In Vitro Comparison of Dosimetric Nebulizers” (Am J Respir Crit Care Med 2011). This bench study demonstrates that the Circulaire II outperforms the AeroEclipse II and delivers 53% more medication over a 5 minute treatment. These results were statistically significant.

[Download, PDF, 408 Kb.](#)

Gardenhire D, “Circulaire II Hybrid with 6 Different Air Compressors” (Abstract for AARC Open Forum 2013). Optimal function of an SVN is dependent on proper driving pressure and flow, which apparently cannot be uniformly achieved by some air compressor and nebulizer combinations. The conserving effect of the Circulaire II Hybrid appears to compensate for marginally performing home air compressors and outperforms other SVNs tested. The Circulaire II Hybrid delivered from 1.6 to 2.8 times more medication than other nebulizers operated with the same air compressors, which was statistically significant.

[Download, PDF, 164 Kb.](#)

Gardenhire D, “Circulaire II Hybrid with 6 Different Air Compressors” (Poster at North American Cystic Fibrosis Conference, 2013). Optimal function of an SVN is dependent on proper driving pressure and flow, which apparently cannot be uniformly achieved by some air compressor and nebulizer combinations. The conserving effect of the Circulaire II Hybrid appears to compensate for marginally performing home air compressors and outperforms other SVNs tested. The Circulaire II Hybrid delivered from 1.6 to 2.8 times more medication than other nebulizers operated with the same air compressors, which was statistically significant.

[Download, PDF, 1.7 Mb.](#)

Grzeskowiak M, “Evaluation of the Circulaire II Aerosol Drug Delivery System for Microbiological Contamination” (Abstract for AARC Open Forum 2013). Abstract of a clinical study, submitted to AARC 2013 Open Forum, in which Circulaire II and Circulaire II Hybrid nebulizers and reservoirs were cultured daily for up to 4 consecutive days while in use. The study concluded that, despite using minimal post-treatment practices, in 252 cultures, no significant organism growth was found in either the nebulizer or reservoir of the Circulaire II devices. These findings suggest that the valved conserver device may isolate the nebulizer and reservoir and protect them from contamination.

[Download, PDF, 77 Kb.](#)

Grzeskowiak M, “Evaluation of the Circulaire II Aerosol Drug Delivery System for Microbiological Contamination” (Poster at AARC Open Forum 2013).

[Download, PDF, 2.9 Mb.](#)

“Protect the Patient; Protect the Caregiver with Circulaire.” This Westmed Clinical Education Bulletin reminds practitioners of the risks of aerosol therapy and discusses a recent study that proved that the Circulaire II system, with its unique “flapper valve” actually protects the nebulizer and the aerosol

reservoir from becoming contaminated by exhaled patient droplets contained microorganisms. In addition, the CEB also discusses the importance of the integral exhalation filter in preventing exposure of healthcare workers to inhalable airborne medication particles and exhaled patient droplets that could cause illness, infection or untoward medication reactions.

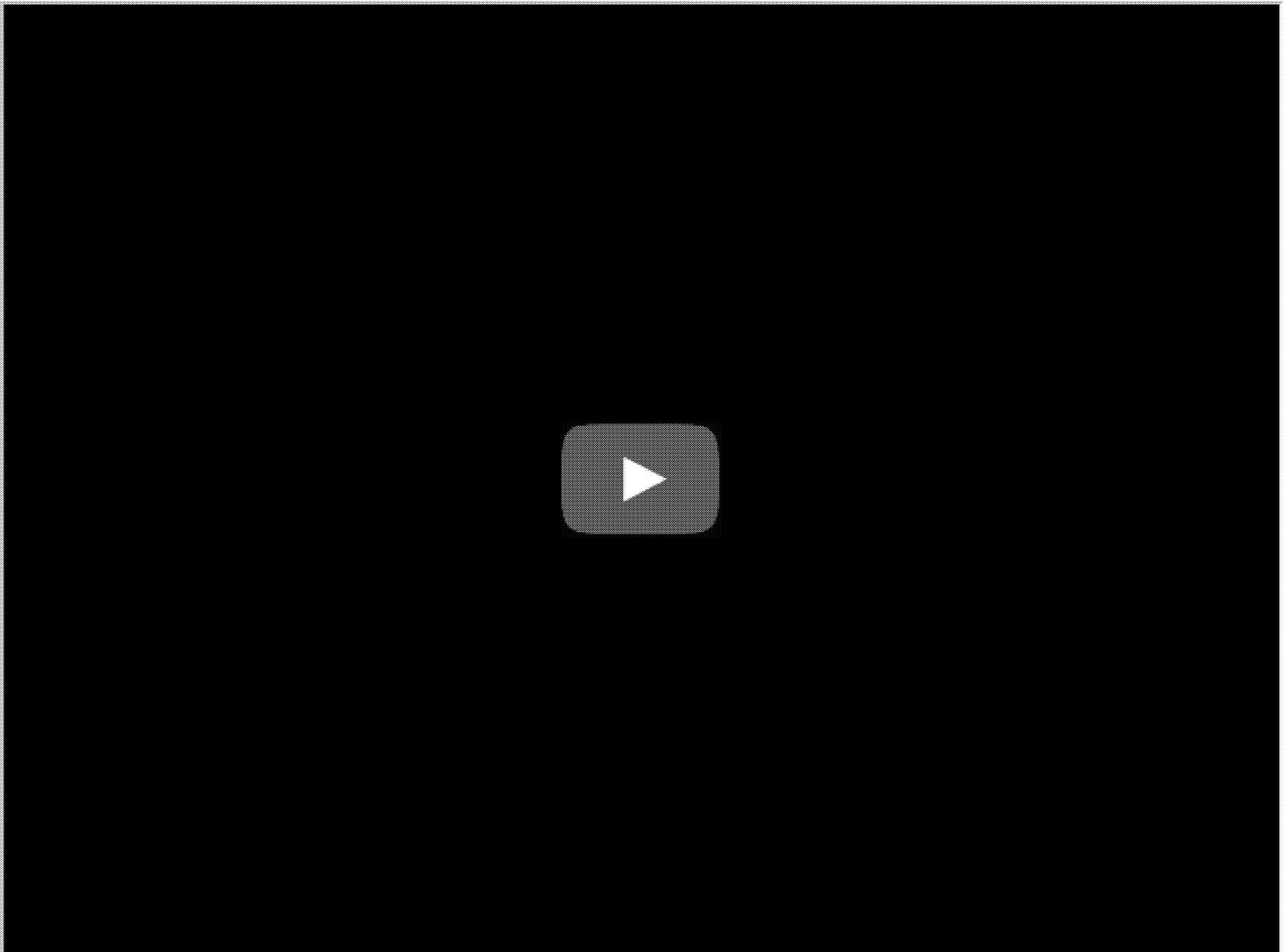
[Download, PDF, 358 Kb.](#)

Grzeskowiak, “Adding Value to Aerosol Therapy.” (RT Magazine, March 2014).

[Download, PDF, 2.4 Mb.](#)

[Circulaire Instructional Video](#)

YouTube Video



Please be sure your speakers are turned on. Press ► to play.

[Home](#)

Contact Us

Westmed, Inc.
5580 S. Nogales Highway
Tucson, AZ 85706-3333
(800) 975-7987

How can we help you ?

Name:*

Email:*

Message:*

Copyright © 2015 Westmed, Inc. All Rights Reserved

- [About Westmed](#)
- [Employee Page](#)
- [Privacy Policy](#)

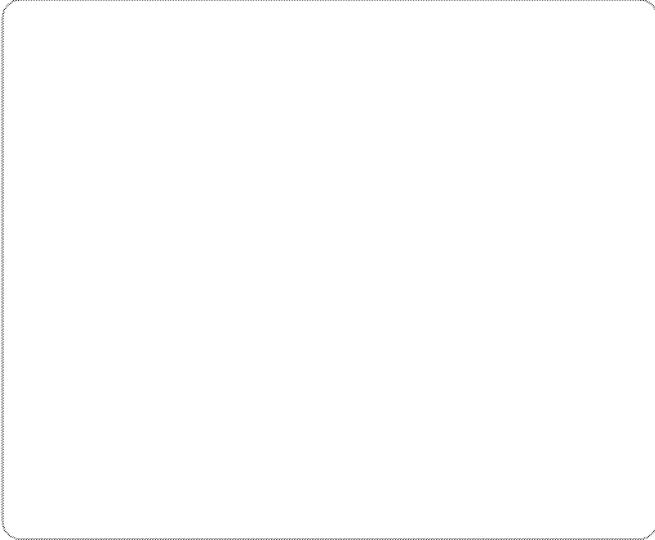
APPLICANT'S EXHIBIT 52



Galaxy :: The Web's Original Searchable Directory

Home

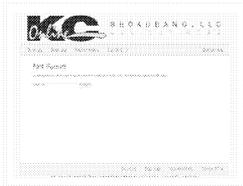
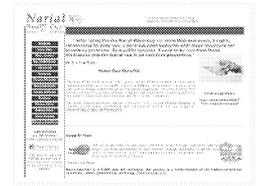
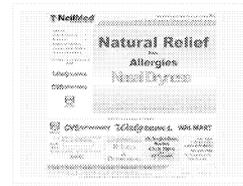
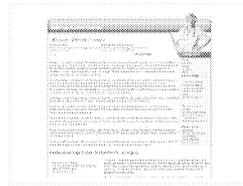
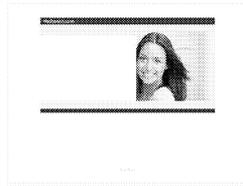
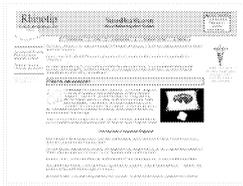
- >> ...
- >> **Health and Medicine**
- >> **Diseases and Disorders**
- >> **Allergy**
- >> **Submit Your Site To The "Allergy" Directory**



Drug Free Remedy for Hay Fever and Allergic Rhinitis - NasalAir Guard

www.nasalaiguard.com/

Related Sites



Post a Review

Do you have experience with or are you familiar with this website? Please post your comments / review below to share with the rest of the community.

Approve! Disapprove!

Your Name:

Email:

Review:

Post Your Review

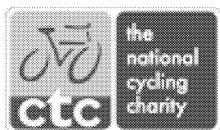
Please note, all comments are subject to review and can be removed at any time for any reason.

Disclaimer: Galaxy is not affiliated in any way with the **Drug Free Remedy for Hay Fever and Allergic Rhinitis - NasalAir Guard** (www.nasalaiguard.com/) website.

Views and opinions expressed may not be representative of Galaxy or its owners but all effort is made to keep the site free of obscenities, illegal or otherwise malicious activity.

Are you the owner of this site? You can manage your listing [here](#).

APPLICANT'S EXHIBIT 53



CTC Forum

Discussion boards hosted by

[Skip to content](#)

[Advanced search](#)

- [Board index](#) < [Cycling](#) < [Bikes & Bits – Technical section](#)
- [Change font size](#)
- [Print view](#)

- [FAQ](#)
- [Register](#)
- [Login](#)

NasalAir Guard

[Post a reply](#)

2 posts • Page 1 of 1

- [Reply with quote](#)

NasalAir Guard

by **Peter Lancashire** » Fri Jul 15, 2005 9:22 pm

CTC newsmet of 15 July contains this: NasalAir Guard is a simple device made from a clear, soft medical grade plastic (not latex) that fits into the nose helping to filter pollen and other airborne pollutants. For further information, and how to order, visit the website www.nasalairguard.co.uk

I had always understood that a filter with holes small enough to stop pollen getting through was also impossible to breathe through unaided. Maybe these work by preventing you breathing through your nose, so you use your mouth and irritate the nasal passages less? Does anyone know if they work?

Peter Lancashire

[Top](#)

- [Reply with quote](#)

Re:NasalAir Guard

by **gar** » Wed Sep 28, 2005 7:35 pm

preventing you breathing through your nose, so you use your mouth and irritate the nasal passages less? Does anyone know if they work?

This is effective for me but I generally find that deep breathing and clear specs to protect eyes from diesel particulates and other industrial dust, is sufficient.

Air filters are hopeless. You need deeper breathing than they can ever provide. You have just got to accept that if you are in a city cycling you are almost as vulnerable as pedestrian to permanent inhalation of dirt

gar

[Top](#)

Display posts from previous: Sort by

[Post a reply](#)

2 posts • Page 1 of 1

[Return to Bikes & Bits – Technical section](#)

Jump to:

Who is online

Users browsing this forum: [deliquium](#), [niggle](#) and 12 guests

- [Board index](#)
- [The team](#) • [Delete all board cookies](#) • Time zone: Europe/London [DST]

Powered by [phpBB®](#) Forum Software © phpBB Group

APPLICANT'S EXHIBIT 54



Aerosol Therapy
lower airways

Hospineb

Alpha Neb

Nebulair

AeroFlaem

Delphinus

Condor Plus

Wi.Neb

Wi.Neb GO

Primoneb

Smarty

Universal Plus

Table Accessories

Aerosol Therapy
upper airways

Diagnostics

Baby Care

Wellbeing

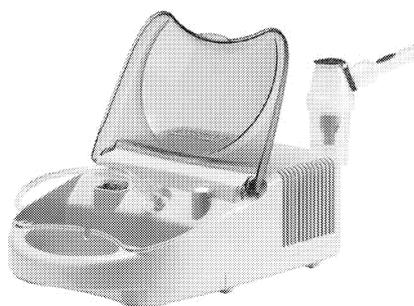
**Professional
Healthcare**

Accessories

Home > Aerosol therapy lower airways > Nebulair

Nebulair

EL12P00



Aerosol Therapy
lower airways



MAIN FEATURES

Professional aerosol therapy unit for hospital use, home care and renting. The durable powerful compressor ensures continuous use, speed of operation and low noise level.

Easy to transport by means of the integrated handle.

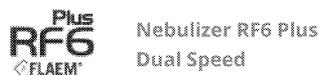
It features a convenient accessory compartment to store the accessories when not in use.

Power cord compartment placed in the rear part of the unit.

For better quality, the compressed air is taken external from the housing and is filtered using a high efficiency filter system.

The unit comes with the RF6 Plus nebulizer with valve system and with the comfortable Soft Touch adult and child masks.

NEBULIZATION TECHNICAL FEATURES



Nebulizer RF6 Dual Speed	Speed	
	MIN	MAX
Delivery ml / min' (1)	0,21	0,54
MMAD (2) µm	2,8	
Respirable fraction < 5 µm (2)	76%	
Maximum fill volume (1)	8 ml	

WHY CHOOSE

Effective RF6 Plus nebulizer with valve system and non spill system

Very silent

Soft Touch adult and child mask

Power cord compartment

2m long tube

Can be used with Rhino Clear nasal wash *

Professional air filter

* Not standard supplied with the unit - can be purchased separately.

SIZE AND WEIGHT



English 9 Mi piace 2,8mila f t g+ ▶ **Where to buy**

HOME THE COMPANY PRODUCTS ABOUT NEWS/PRESS CONTACT US

DOWNLOADS

Technical details
User Manual

Condividi questa pagina

Condividi 0 g+ Condividi 0 Tweet 0

©2013 Flaem Nuova Spa - VAT IT00605150986 - Via Colli Storici, 221-223-225
S. Martino della Battaglia - 25010 - Brescia (ITALY)
Rev. 00 del 13.09.2013

Credits

APPLICANT'S EXHIBIT 55



"pilairo"



Jen

Web Shopping Images Videos News More Search tools



About 20,700 results (0.42 seconds)

New Pilairo Q CPAP Mask - Even Better Than The Original

www.directhomemedical.com/PilairoQ (888) 505-0212
4.6 rating for directhomemedical.com
Free 30-Day Money Back Guarantee!

- Nasal Pillow CPAP Masks
- Gel CPAP Masks
- Nasal CPAP Masks
- Mask Comfort & Care

Fisher & Paykel Pilairo - Huge Selection at Great Low Prices

www.amazon.com/health
4.5 rating for amazon.com
Vitamins, Personal Care and More
Ratings: Prices 10/10 - Selection 10/10 - Shipping cost 10/10 - Overall 10/10

Fisher Paykel Pilairo CPAP - wow.com

wow.com/Fisher+Paykel+Pilairo+CPAP
Search for Fisher Paykel Pilairo CPAP Look Up Quick Results Now!

CPAP.com - Pilairo Nasal Pillow CPAP Mask with Headgear

www.cpap.com/productpage/pilairo-nasal-pillow-cpap-mask-f-p.html
Rating: 3.8 - 115 reviews
A single size, a single strap, a light touch: this describes Fisher & Paykel's Pilairo™ Nasal Pillow CPAP Mask with Headgear. Standing out.

Pilairo Q Nasal Pillow CPAP Mask with Headgears

www.cpap.com/productpage/fp-pilairo-q-nasal-pillow-cpap-mask.html
Rating: 4.1 - 51 reviews - \$78.00
Building on the success of the Pilairo mask, the Pilairo Q Nasal Pillow CPAP Mask with Headgear adds new features to the original design to earn.

Nasal Pillows Masks | Fisher & Paykel Healthcare

https://www.fphcare.com/.../nasal-pillows-mas... Fisher & Paykel Healthcare
The F&P Pilairo Nasal Pillows Mask takes its design inspiration from the world's lightest little bird... 'the hummingbird'. The AirPillow™ Seal self-inflates to gently ...

Images for "pilairo"

Report images



More images for "pilairo"

F&P Pilairo Q Nasal Pillows CPAP Mask Pack with Adjustable

www.directhomemedical.com/pilairo-q-nasal-pillows-cpap-mask-fisher-p...
Building on the success of the original Pilairo, the updated Pilairo Q includes adjustable headgear and a nearly silent exhalation valve. Pilairo Q's soft AirPillow ...

Fisher & Paykel Pilairo Nasal Pillow Mask - CPAP Supply USA

www.cpasupplyusa.com/Fisher-Paykel-Pilairo-Nasal-Pillows-Mask-Hea...
The Fisher & Paykel Pilairo Nasal Pillow Mask is the newest in innovative and lightweight masks for CPAP therapy. The AirPillows virtually float around the nose ...

Fisher & Paykel Pilairo Q Nasal Pillow Mask

www.cpasupplyusa.com CPAP Masks
The Fisher & Paykel Pilairo Q Nasal Pillows CPAP Mask and Headgear is here and making big waves in the CPAP/BIPAP community. See it now at CPAP ...

Amazon.com: Fisher & Paykel Pilairo Nasal Pillows/Seal ...

www.amazon.com CPAP Accessories Amazon.com, Inc.
Rating: 4.5 - 40 reviews
Replacement nasal pillow for the Pilairo nasal mask. Self-inflating seal for maximum comfort with less air leakage. One size nasal pillow fits most. Genuine ...

Shop for "pilairo" on Google

Sponsor

Fisher and Paykel Pilairo... \$24.95 1800cpap.com	Pilairo Replacement... \$24.00 EasyBreathe.c...	F&P Pilairo Q Nasal Pillows... \$78.00 DirectHomeM...	F&P Pilairo Adjustable \$34.00 1800cpap.t
Fisher & Paykel Pilairo Nasal... \$99.00 1800cpap.com	StretchWise Headgear for... \$24.95 DirectHomeM...	Pilairo Replacement... \$44.53 DME Supply...	Pilairo Q™ Adjustable \$9.95 1800cpap.t

The Perfect CPAP Mask?

www.cpapxchange.com/Masks
Lowest Price Guaranteed Every Day.
Great Selection + Great Service!

Pilairo - 70% Off

pilairo.stucco.com/Deal
Lowest Price On Pilairo
Free shipping, in stock. Buy now!

Pilairo CPAP Mask

www.webcrawler.com/
Search multiple engines for pilairo CPAP mask

Fisher Paykel Pilairo

fisher-paykel-pilairo.buycheapr.com/
Save Big On Fisher Paykel Pilairo:
Massive Selection & Ultra-Cheap!

Pilairo on eBay

www.ebay.com/
Great Deals on Pilairo.
Buy It New, Buy It Used; Buy It Now

Fisher Paykel Pilairo

healthaccessibility.shopzilla.com/
Discover this Season's Top Deals.
20% Off Fisher Paykel Pilairo!

See your ad here »

APPLICANT'S EXHIBIT 56

SINGULAIR®
(MONTELUKAST SODIUM)

Prescribing Information and Patient Product Information for SINGULAIR

The Prescribing Information for SINGULAIR is available by clicking on the link below.

[Prescribing Information \(/product/usa/pi_circulars/s/singulair/singulair_pi.pdf\)](/product/usa/pi_circulars/s/singulair/singulair_pi.pdf)

The Patient Product Information for SINGULAIR is available by clicking on the link below.

[Patient Product Information \(/product/usa/pi_circulars/s/singulair/singulair_ppi.pdf\)](/product/usa/pi_circulars/s/singulair/singulair_ppi.pdf)

Copyright (/policy/copyright/home.html) © 2009-2015 Merck Sharp & Dohme Corp., a subsidiary of **Merck & Co., Inc.**
All rights reserved.

[Privacy \(/about/how-we-operate/privacy/home.html\)](/about/how-we-operate/privacy/home.html) [Terms of Use \(/policy/terms-of-use/home.html\)](/policy/terms-of-use/home.html) [Site Map \(/map/home.html\)](/map/home.html)



(<http://privacy.truste.com/privacy-seal/Merck-and-Co,-Inc-/validation?rid=7437b42b-c947-434e-b1f5-db06d0327616>)



(<http://privacy.truste.com/privacy-seal/Merck-and-Co,-Inc-/validation?rid=7437b42b-c947-434e-b1f5-db06d0327616>)



(<http://www.essentialaccessibility.com>)



(<https://www.facebook.com/MerckBeWell>)



(<https://twitter.com/merck>)



(<http://www.youtube.com/merck>)

APPLICANT'S EXHIBIT 57

We have detected that you are visiting our website from United States.

Please choose one of the following



United States

▼ Show all countries / languages



United States / EN



My Hamilton



Products

Solutions

Services

About us

Contact

MyHamilton

You are here: [Home](#) / [Products](#) / [Respiratory care supplies](#) / [VENTILAIR II compressor](#)

VENTILAIR II compressor

A reliable and powerful source of compressed air

Reliable, durable Swiss design

Delivers dry, clean medical-grade compressed air

- Optimal cost-performance ratio
- ✓ Clear indication of compressor working status



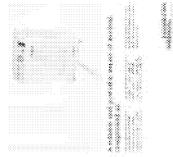
With its superior pressure and flow characteristics, the VENTILAIR II compressor ensures a constant, c for medical ventilators. It can be used either as a primary air source or as an automatic backup to a ho system. An automatic switchover feature provides compressor output to the ventilator without delay w

The VENTILAIR II is available for use with all Hamilton Medical ventilators without independent air sup| S1, GALILEO, and RAPHAEL or in a mobile version for general-purpose use.

Downloads



VENTILAIR II brochure



EN / PN 689079.04
PDF / 183.4 KB



Interested in the VENTILAIR II compressor?

We are happy to provide you with more information or to demonstrate the compressor to you.

[> Contact us](#)

Important note

Depending on your country, some features may be available as options, may have different specifications than described on this website, or may be available through a local medical representative for details.

© Hamilton Medical

All rights reserved.

Not all products shown are available in all markets.

> [Legal Information](#)

> [Imprint](#)

> [Terms & Conditions of Sale](#)

[Imprint](#)

APPLICANT'S EXHIBIT 58



Home Healthcare

Sleep Clinics, CPAP Supplies and Home Oxygen Therapy



Oxygen Therapy

40 years of experience in providing home oxygen for people with COPD. [▶more](#)

Sleep Apnea / Therapy

Vitalaire provides a thorough sleep apnea test [▶more](#)

Find a Sleep Clinic

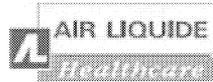
90 sleep clinics across Canada. Find a clinic near you. [▶more](#)

CPAP Supplies

We offer high quality CPAP masks and CPAP machine technology [▶more](#)

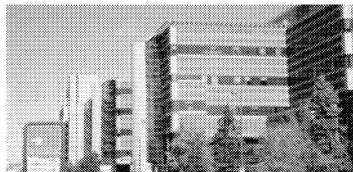
Professionals

Current studies, referral forms and therapy updates for Professionals [▶more](#)



Medical Gases & Products

For Hospitals, Clinics and Institutions



Medical Gases

Air Liquide Healthcare is a leading Canadian supplier of packaged and bulk medical gases [▶more](#)

Respiratory Products

Our focus on safety and innovation allows us to offer world class products for a wide range of respiratory applications [▶more](#)

Medical Gas Systems

Turnkey Medical Gas Piping Systems and comprehensive service programs [▶more](#)

Life Sciences

We offer Canadian healthcare customers an unparalleled level of expertise in the Cryobiology field [▶more](#)



About Us

Global Respiratory Healthcare Leader



VitalAire Canada

Respiratory home healthcare programs and hospital products coast to coast [▶more](#)

Careers

Our success has been achieved by hiring the best professionals in Healthcare [▶more](#)

APPLICANT'S EXHIBIT 59

Perfect Present Store

"Your Perfect Present Quick Stop"

AirGuard Medical CT Mask Cold Air Face Mask Fleece Winter Face Mask



You are here » [HOME](#) > [PRODUCTS](#) > [Cold Weather Winter Face Mask - AirGuard Medical CT Mask Cold Air Mask](#)

[HOME](#) [Products](#) [Policies](#) [Contact](#)

Submit



We Accept PayPal Express Checkout
Checks & Money Orders Accepted

Submit Query

Immediate Order Volume Discounts (i): \$49 to \$149.99 = 5% \$150 to \$249.99 = 7% \$250 or more = 10%
Fast Free Shipping to the Entire U.S. for Orders \$35 or More. Just \$5 for Smaller Orders.

AirGuard Medical CT Mask Cold Air Mask

"This Cold Air Face Mask uses advanced, patented heat-exchanger technology to trap heat and moisture from the air you exhale to warm and moisten the air you inhale to keep you warm, healthier and more comfortable in the coldest weather..."

- [Features](#)
- [Applications](#)
- [How It Works](#)
- [Reviews](#)
- [FAQs](#)
- [Care](#)
- [Why Buy Here?](#)
- [Related Products](#)

An AirGuard Medical CT Mask Cold Air Mask gives you the freedom to be outdoors and remain active, exercise and stay fit comfortably in the coldest weather. Any time you start to feel cold is the right time to put on your cold air mask.

It's highly [recommended by doctors and respiratory therapists](#) for people with medical conditions that are affected by breathing cold air.

Buy Here



\$39.97 *

*Includes Fast Free Shipping to entire U.S.
Prefer ordering by phone?
Call 1-888-205-4477.

Color

- Please Select -

Quantity:

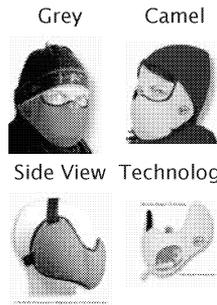
Submit Query

AirGuard Medical CT Mask Replacement Module

\$19.97

Quantity:

Submit Query



Aggregate Rating:
4.18 / 5 Based On
34 Reviews

Rating	Surveys
5	17
4	9
3	6
2	1
1	1

[Click here](#) to find out more about the AIRGUARD CT Mask Replacement Module.

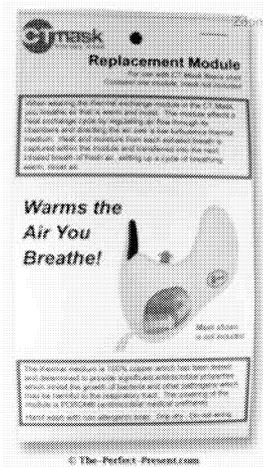


AirGuard CT Mask Features

Here's why the AirGuard Medical CT Mask Cold Air Mask is superior to ordinary winter face masks...

- Stay Warmer Longer in Cold Weather
- Patented Copper Mesh Heat Exchanger Technology (Replaceable)
- Works in Temperatures from +40°F to -50°F
- Medical Grade Mask Suitable for Use by People with Cardiovascular and Pulmonary Diseases
IMPORTANT If you have a medical condition you should *always* get the OK from your doctor before getting a mask.
- Comfortable, Soft POLARTEC® Fleece
- Flexible Construction Hugs Your Face in Warmth
- All Natural and Eco-friendly... No Batteries... No Chemicals
- Materials are Antimicrobial
 - 100% Copper Mesh
 - PORON® (Medical Grade Urethane)
 - Napped Lycra® Jersey (94% polyolefin AM/P2, napped/6% Lycra®)
- Replaceable Heat Exchanger Module
- Lightweight - Just 4.6 oz
- Easy Care
- Adjustable Straps - One Size Fits Most
- Colors: [Camel](#), [Grey](#)
- Brand: AirGuard Medical
- Manufacturer: AirGuard Medical

***** "This mask absolutely works and once you have one you'll wonder how you lived without it. Everyone who must go outside in the cold for any reason should own a AirGuard Medical CT Mask Cold Air Mask. I absolutely can't say enough about it. I was clearing snow after the second "Nor'easter" we got here in Pennsylvania in less than a week. The temperature was in the low twenties with a strong wind blowing the



snow right in your face. When I first went out outside without my Warm Air Mask I lasted about 20 minutes before coming in to warm up with a hot cup of coffee. I wore my Warm Air mask when I went out for the second and final time and with no exaggeration at all I felt like I could have stayed out there all day. It's a fantastic cold weather mask."

***** *"My son walks about a half mile to work each morning and has been raving about his AirGuard Medical CT Cold Air Mask. It's January 3rd, 2010 and I've had my first opportunity to personally test the AirGuard Medical CT Mask in harsh conditions. It's 17°F with 40 mph winds here in Pennsylvania. The CT Mask is truly an amazing product. It absolutely warms and moistens the air you inhale. I had no way of verifying the actual temperature of the air I inhaled. But I can tell you it was warm and comfortable. I also agreed with my son that, in addition to keeping you warmer longer, wearing the Cold Air Mask makes you feel warmer right from the beginning. Without it I was instantly cold and when wearing it I was warm and comfortable. You won't find a better winter face mask. The AirGuard Medical CT Mask Cold Air Mask has become one of my favorite products and I highly recommend it!"*

[Go to Top of Page](#) [Call Toll Free: 1-888-205-4477](#) [Send e-Mail](#) [Visit my G+ Page](#) [Report a Problem](#)

Copyright 2015 The-Perfect-Present.com All Rights Reserved - **AirGuard Medical CT Mask Winter Cold Weather Face Mask**

APPLICANT'S EXHIBIT 60



Sandoz receives first approval for AirFluSal® Forspiro®

WEDNESDAY, 18 DECEMBER 2013 - 6:00PM

- *Novel inhaler approved for patients with asthma and COPD*
- *Approval follows completion of EU decentralized procedure (DCP)*
- *AirFluSal® Forspiro® strengthens Sandoz respiratory portfolio and reinforces company leadership in differentiated products*

Contact Media Relations

For Novartis media content, please visit us on the [News Market](#) (<http://www.thenewsmarket.com/novartis>). For questions about the site or registration, please contact us by e-mail (/node/7671) or telephone.

Central Media Line:

Phone: +41 61 324 2200

Munich, December 18, 2013 - Sandoz announced today that it has received Danish marketing authorization for AirFluSal® Forspiro®, an innovative new inhaler for patients with asthma and/or chronic obstructive pulmonary

disorders (COPD). The Danish approval follows the completion of a decentralized procedure (DCP) for registration of the product in Denmark. When using the site, visit [About Cookies](#) page.



AirFluSal® Forspiro® offers the proven combination of salmeterol (a long-acting inhaled β 2-agonist) and fluticasone (an inhaled corticosteroid) in an innovative new inhalation device. The product's safety, efficacy and equivalence have been proven in multiple clinical trials[1],[2]. Denmark has approved both mid and high-strength dosage forms (50-250 μ g and 50-500 μ g) for the continuous treatment of patients above 12 years of age with persistent asthma or for symptomatic treatment of COPD in the same patient group.

"The first approval of AirFluSal® Forspiro® is a key element of our strategy to introduce differentiated generic medicines," said Jeff George, Global Head of Sandoz. "This innovative new respiratory device underscores Novartis's commitment to asthma and COPD patients and further strengthens Sandoz' global leadership in differentiated products, which comprised 43 percent of our sales in 2012."

AirFluSal® Forspiro® was developed at Aeropharm GmbH in Rudolstadt, Germany, Sandoz' global respiratory Center of Excellence. Sandoz collaborated with UK-based Vectura, a respiratory product development company, in the design and development of the product. The innovative and intuitive to use design of the inhaler was awarded the Red

Dot Product Design award in 2011, an internationally

~~recognized initiative also awarded by the Design Zentrum Nordhessen awarding to essent, Germany.~~ By continuing to browse our website, you agree to our use of cookies. If you require further information and/or do not wish to have cookies placed when using the site, visit [About Cookies](#) page.



In order to improve patient experience with inhalation devices, Sandoz collaborated closely with patients during the development of AirFluSal® Forspiro®. The device features an innovative, patient-friendly design, including multiple feedback mechanisms:

- Visual control features which helps reassure the patient about dosing
- Simple lever arm to load the dose
- Clear and accurate dose counter

[1] Kuna, I. Gath, U. Thyroff-Friesinger, S. Jones. Equivalence of fluticasone propionate/salmeterol delivered via new multi-dose dry powder inhaler and accuhaler(TM) in adolescent and adult asthma. Ajrccm conference.2013.187.1_MeetingAbstracts.A2611

[2] Sandoz data on file

Disclaimer

This press release contains forward-looking statements that can be identified by terminology such as "strategy," "commitment," or similar terms, or by express or implied discussions regarding potential additional marketing

approvals for AirFluSal Forspiro, or regarding potential future revenues from AirFluSal Forspiro. You should not place undue reliance on these statements. Such forward-wish to have cookies placed when using the site, visit [About Cookies](#) page.

✘

looking statements are based on the current beliefs and expectations of management regarding future events, and are subject to significant known and unknown risks and uncertainties. Should one or more of these risks or uncertainties materialize, or should underlying assumptions prove incorrect, actual results may vary materially from those set forth in the forward-looking statements. There can be no guarantee that AirFluSal Forspiro will be submitted or approved for sale in any additional markets, or at any particular time. Nor can there be any guarantee that AirFluSal Forspiro will receive regulatory approval or be commercially successful in the future. In particular, management's expectations regarding AirFluSal Forspiro could be affected by, among other things, the uncertainties inherent in research and development, including unexpected regulatory actions or delays or government regulation generally; unexpected clinical trial results and additional analysis of existing clinical data; general economic and industry conditions; global trends toward health care cost containment, including ongoing pricing pressures; unexpected manufacturing issues, and other risks and factors referred to in Novartis AG's current Form 20-F on file with the US Securities and Exchange Commission.

Novartis is providing the information in this press release as

~~of this website and does not constitute an offer of securities or any other financial product. The information on this website is for informational purposes only and is not intended to be used for investment decisions. If you have any questions, please contact your investment advisor. For more information, please visit [www.novartis.com](#).~~

~~any other financial product. The information on this website is for informational purposes only and is not intended to be used for investment decisions. If you have any questions, please contact your investment advisor. For more information, please visit [www.novartis.com](#).~~

~~information on this website is for informational purposes only and is not intended to be used for investment decisions. If you have any questions, please contact your investment advisor. For more information, please visit [www.novartis.com](#).~~

About Sandoz

Sandoz, the generic pharmaceuticals division of Novartis, is a global leader in the rapidly growing generics industry.

Sandoz employs over 26,000 employees in more than 140 countries, offering broad range of over 1,000 high-quality, affordable products that are no longer protected by patents. With USD 8.7 billion in sales in 2012, Sandoz holds the #1 position globally in biosimilars as well as generic injectables, ophthalmics, dermatology and antibiotics as well as strong positions in the treatments for central nervous system disorders, gastrointestinal medicines, cardiovascular treatments, and hormone therapies. Sandoz develops, produces, and markets these medicines along with pharmaceutical and biotechnological active substances. In addition to strong organic growth since consolidating its generics businesses under the Sandoz brand name in 2003, Sandoz has benefitted from strong growth of its acquisitions including Lek (Slovenia), Sabex (Canada), Hexal (Germany), Eon Labs (US), EBEWE Pharma (Austria), Oriel Therapeutics (US), and Fougera Pharmaceuticals (US).

Sandoz is on Twitter. Sign up to follow @Sandoz_global at <http://twitter.com/sandoz>  (<http://twitter.com/sandoz>).

#

This website **does not collect or store any personal information, contact information, or other data** and your experience. By continuing to browse the site you are agreeing to accept our use of cookies. If you require further information and/or do not wish to have cookies placed when using the site, visit [About Cookies](#) page.



Eric Althoff	Sreejit Mohan
Novartis Global Media Relations	Sandoz Head Biopharma & OI Communications
+41-61-324-7999	+49 (0) 162 429 7971
eric.althoff@novartis.com	sreejit.mohan@sandoz.com
mailto:eric.althoff@novartis.com	mailto:sreejit.mohan@sandoz.com

Novartis Investor Relations

Central phone:	+41 61 324 7944
Samir Shah	+41 61 324 7944
Pierre-Michel Bringer	+41 61 324 1065
Thomas Hungerbuehler	+41 61 324 8425
Isabella Zinck	+41 61 324 7188
	North America:
	Stephen Rubino +1 862 778 8301
	Jill Pozarek +1 212 830 2445
	Susan Donofrio +1 862 778 9257

This website intends to use cookies to improve the site and your experience. By continuing to browse the site you are agreeing to accept our use of cookies. If you require further information and/or do not wish to have cookies placed when using the site, visit www.novartis.com/airflusal/first-approval-airflusal%20AE-forspiro%20AE



© 2015 Novartis AG [Terms of Use](#) | [Privacy Policy](#) | [About Cookies](#)

This site is intended for a global audience.

This website intends to use cookies to improve the site and your experience. By continuing to browse the site you are agreeing to accept our use of cookies. If you require further information and/or do not wish to have cookies placed when using the site, visit [About Cookies](#) page.



APPLICANT'S EXHIBIT 61

Google

Google Web Shopping Images News Videos More Search tools

About 2,210 results (0.28 seconds)

Inhalers & Asthma

Ad www.asthmatreatmentoption.com/
 Information About Asthma And Inhalers - Learn More.

- Side Effects
- Asthma Treatment
- How to Use Inhaler
- Medication Guide

Innovative respiratory inhaler Airflusal® Forspiro ... - Sandoz
www.sandoz.com/.../2015_04_15_Innovative_respiratory_inhaler_Airfl...
 April 16, 2015 - AirFluSal® Forspiro®, an innovative respiratory inhaler from Sandoz, has won the coveted Alufoil Trophy 2015 in the Product Preservation ...

Sandoz launches innovative respiratory inhaler AirFluSal ...
www.sandoz.com/.../2015_03_11_Sandoz_launches_innovative_respirat...
 Mar 11, 2015 - Sandoz today announces the launch of AirFluSal® Forspiro®, an innovative inhaler for patients with asthma and/or chronic obstructive ...

Sandoz launches Airflusal® Forspiro® in Sweden, further ...
www.sandoz.com/.../2014_06_23_Sandoz_launches_Airflusal_Forspiro...
 Jun 23, 2014 - Sandoz today announced the launch in Sweden of Airflusal® Forspiro®, an innovative new inhaler for patients with asthma and/or chronic ...

Sandoz receives approval in Portugal for innovative ...
www.sandoz.com/.../2014_10_09_Sandoz_receives_approval_in_Portug...
 Oct 9, 2014 - Sandoz receives approval in Portugal for innovative respiratory inhaler AirFluSal® Forspiro®. Portuguese Health Authority grants marketing ...

Sandoz receives approvals in Baltics for innovative respiratory
www.sandoz.com/.../2014_11_05_Sandoz_receives_approvals_in_Baltic...
 Nov 4, 2014 - Sandoz receives approvals in Baltics for innovative respiratory inhaler AirFluSal® Forspiro®. Regulatory authorities in Estonia, Latvia and ...

Sandoz receives first approval for AirFluSal® Forspiro®
www.sandoz.com/.../2013_12_18_approval_airflusal_forspiro.shtml
 Dec 18, 2013 - Sandoz announced today that it has received Danish marketing authorization for AirFluSal® Forspiro®, an innovative new inhaler for patients ...

Images for airflusal inhaler

Report images



More images for airflusal inhaler

Innovative respiratory inhaler Airflusal® Forspiro® receives ...
<https://www.evaluategroup.com/Universal/View.aspx?type=Story&id...>
 Apr 15, 2015 - April 15, 2015- AirFluSal® Forspiro®, an innovative respiratory inhaler from Sandoz, has won the coveted Alufoil Trophy 2015 in the Product ...

[DOC] Airflusal Forspiro 50 mikrogram 250 mikrogramdos pre ...
<https://docetp.mpa.se/.../Airflusal%20Forspiro%2050%20mikrogram%20...>
 Airflusal Forspiro , 50 microgram/250 microgram/dose, inhalation powder, predispensed] ... you need to use more of your fast acting airway widening inhaler.

Sandoz receives Danish approval for AirFluSal Forspiro ...
www.thepharmaletter.com/.../sandoz-receives-danish-approval-for-airflu...

Dec 19, 2013 - Sandoz receives Danish approval for AirFluSal Forspiro inhaler.

1 2 3 4 5 6 7 8 9 10 **Next**

Minneapolis, MN - From your internet address - Use precise location - Learn more

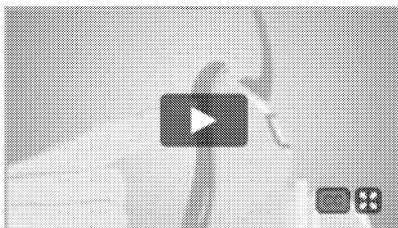
[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

APPLICANT'S EXHIBIT 62



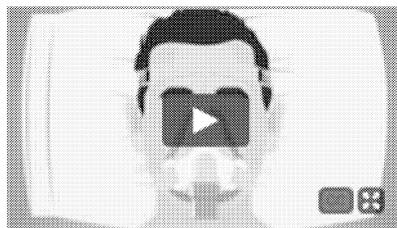
Unique AIRgel™ Technology

Our AIRgel™ was designed to gently protect the skin and the bridge of the nose to minimize irritation.



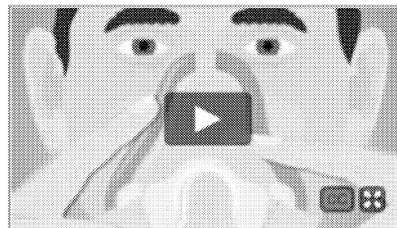
Active Headgear Connector™

The *Active Headgear Connector™* moves as the patient moves to maintain a reliable seal throughout the entire night.



Custom Fit Technology™

Bend it, pinch it, shape it... fit your mask to your face, not your face to your mask.

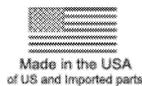


What Is Sleep Apnea?

Sleep apnea is a serious sleep disorder affecting approximately 18 million Americans. Those with sleep apnea experience pauses in breathing lasting from ten seconds to more than a minute. These pauses (or apneas) can occur more than 30 times every hour. With increasing awareness and diagnosis, comfortable therapy for sleep apnea is widely available.

[LEARN MORE ABOUT SLEEP APNEA](#)

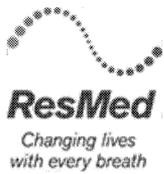




M90049 REV A

[Downloads](#) [About Us](#) [Privacy Notice, Terms & Conditions](#) [Career Opportunities](#) [Insurance](#) [International](#) [Contact Us](#)
© 2014 Sleepnet Corporation. All Rights Reserved. Call 1-800-222-3727

APPLICANT'S EXHIBIT 63



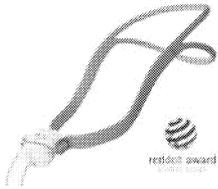
Masks

As the number one sleep apnea mask brand preferred by patients,* ResMed's masks provide the most effective sleep therapy possible — they're comfortable, lightweight and engineered for minimal coverage. Search masks below by breathing, treatment needs, lifestyle and other options.

Masks filter 

ResMed Air Solutions Masks

Part of the ResMed Air Solutions range, the AirFit series are lightweight and provide a clear field of vision. The whole range has been designed with comfort and simplicity in mind to help make therapy easy.



AirFit™ P10

Our quietest mask yet! A recent clinical study found that patients using the AirFit P10 sleep more than 40 minutes longer per night.



AirFit™ P10 for Her

Our quietest mask yet, in a design created especially for women. The AirFit P10 for Her provides patients with the proven performance and reliability of the Swift FX, and it's even quieter and lighter.



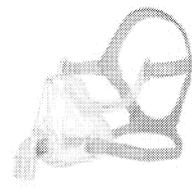
AirFit™ N10

The ResMed AirFit™ N10 compact nasal mask delivers effortless performance, comfort and visual freedom. Its intuitive design makes it simple to use.



AirFit™ N10 for Her

ResMed's AirFit™ N10 for Her compact nasal mask delivers effortless performance, comfort and visual freedom in a stylish, female-friendly design.



AirFit™ F10

ResMed's AirFit™ F10 full face mask provides highly effective sleep apnea treatment. It offers visual freedom, uncompromised comfort and superior performance.



AirFit™ F10 for Her

ResMed's AirFit™ F10 for Her full face mask provides highly effective sleep apnea treatment. It offers visual freedom, uncompromised comfort and performance.

Nasal pillows

Experience the openness and freedom of nasal pillows masks! Lightweight, unobtrusive and designed to keep your field of vision clear, this type of sleep apnea mask fits snugly and comfortably over your nasal passages.



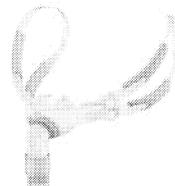
Swift™ FX

With super-soft fit and a minimal appearance, the Swift FX makes it easy to forget about your mask and remember what it's like to get a great night's sleep.



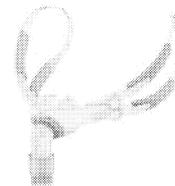
Swift™ FX for Her

The Swift FX for Her offers the unobtrusive design of the Swift FX in a fit range customized for women, with a soft backstrap available in two stylish colors and other lifestyle-friendly features.



Swift™ FX Bella Gray

Featuring an exceptionally soft and minimal design, the Swift FX Bella Gray is an extra choice in the Swift FX Series.



Swift™ FX Bella

The Swift FX Bella offers a design that reinforces a sense of freedom, with more choices for customized fit and personal comfort, so she can look and feel more like herself.



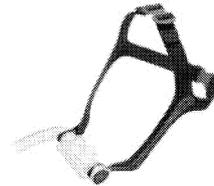
Swift™ LT

Lightweight, easy to fit and quiet, the Swift LT offers comfort, stability and performance in an unobtrusive design.



Swift™ LT for Her

The Swift LT for Her was the first mask designed in a fit range customized for women, combining the lightweight design of the Swift LT with a feminine print and fit.

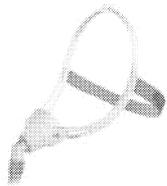


Mirage Swift™ II

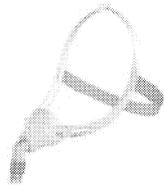
The Mirage Swift™ II is ideal for people who want a light, flexible system that provides a clear field of vision.

Nasal masks

Nasal masks combine the minimal design of nasal pillows masks but with slightly more coverage over your nose. They're also designed for a clear field of vision, so you can comfortably wear your glasses or watch TV.



Swift™ FX Nano
The Swift FX Nano combines the streamlined design of nasal pillows with the natural breathing comfort of a nasal mask, giving patients the freedom to move during sleep without compromising therapy.



Swift™ FX Nano for her
Designed for your female patients, the Swift FX Nano for Her features a fit range and style tailored toward women.



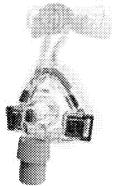
Mirage™ FX
Get ready for a new approach to nasal masks. The Mirage FX combines compact design, lightweight comfort and ultra soft headgear with a fit range specially designed to fit your unique features.



Mirage™ FX for Her
The perfect balance of lightweight comfort, premium performance and simplicity, the Mirage FX for Her combines the innovative design of the Mirage FX with a stylish pink headgear and a fit range customized for women.



Mirage™ SoftGel
Easy and quick to fit, the Mirage SoftGel is part of ResMed's exclusive ConvertAble Series, giving you the choice of two mask cushions, Mirage Activa LT or Mirage SoftGel, on one durable frame.



Mirage Activa™ LT
Fits right for an easy night.



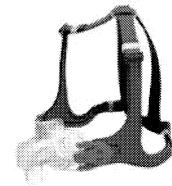
Mirage Micro™
Makes (f)it easy.



Ultra Mirage™ II Nasal Mask
Simply the best.



Mirage Activa™
The first nasal mask with ActiveCell Technology.



Mirage Vista™
Good View. Great Feeling.

Full face masks

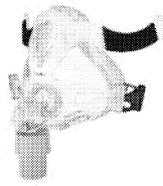
Full face masks cover more of your face to accommodate people who mostly breathe through their mouths. ResMed's full face masks offer a minimal design, and are designed to be lightweight and non-intrusive.



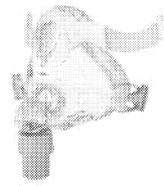
Quattro™ Air
The Quattro Air is the lightest full face mask on the market, delivering the proven performance and reliability of the Mirage in a significantly lighter, more comfortable mask that is easy to use.



Quattro™ Air for Her
The Quattro Air for Her is sleek and lightweight, featuring a stylish headgear and fit range specifically for women to complement her personal style.



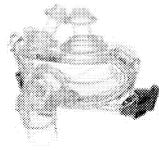
Quattro™ FX
A full face mask doesn't have to block your view. The Quattro FX provides the coverage and stability of a traditional full face mask with a clear field of vision so you can focus on sleeping comfortably through the night.



Quattro™ FX for Her
The Quattro FX for Her features a lightweight frame and clear field of vision in a stylish pink headgear for women.



Mirage Quattro™
The Mirage Quattro's MicroFit dial offers a choice of 24 positions on the forehead support to suit individual facial structures.



Mirage Liberty™
Mirage Liberty is a full face mask that seals individually at the mouth and nose. With less skin contact and an open field of vision, this unobtrusive mask feels light on the face.



Ultra Mirage™
Stop the loss of air. Stop the loss of therapy.

Pediatric masks

Designed especially for children, ResMed's pediatric masks were the first to be cleared by the FDA for the treatment of obstructive sleep apnea in children.



Pixi™

A pediatric mask designed with children and their families in mind.

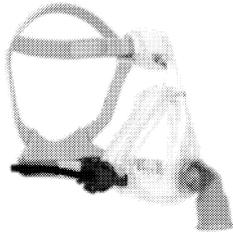


Mirage Kidsta™

Mask of choice for sleep-disordered breathing (SDB) in children.

Non-vented masks for life support

These non-vented masks are designed for use with valve ventilators such as the ResMed Astral Series (100 and 150), which provide ventilatory assistance to patients with respiratory insufficiency and respiratory failure. They are intended for extended use in the home environment by an individual patient weighing more than 66 lbs.



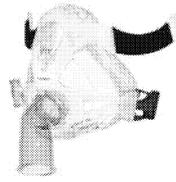
Quattro™ Air NV full face mask

ResMed's lightest non-vented full face mask, perfect for patients on long-term, noninvasive ventilation to use at home or in the hospital.



Ultra Mirage™ NV Full Face Mask

Security and comfort for noninvasive ventilation.



Quattro™ FX NV

The unobtrusive solution for noninvasive ventilation.



Ultra Mirage NV nasal

The comfortable way to apply noninvasive ventilation.

Find out what's next

Know when a new sleep apnea mask, machine or other product comes out and get tips for managing your treatment: Sign up for ResMed's free online community, Wake Up to Sleep.

© 2014 ResMed. All rights reserved.

APPLICANT'S EXHIBIT 64

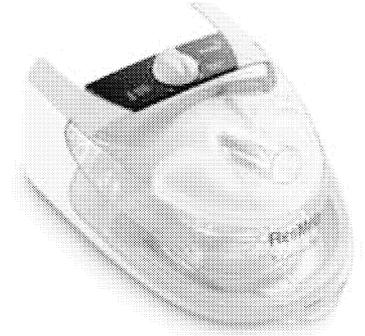
HumidAire 3i™

Not available in all countries.

Fully integrated humidification—compact without compromise

Provides heated humidification to relieve symptoms of dryness and congestion associated with Continuous Positive Airway Pressure (CPAP) therapy.

Forms a seamlessly integrated unit when attached to one of our S8™ devices.



Clinician benefits

- Unique dual-spiral action - effective therapy and efficient water use
- Modular unit/flexible platform -improved inventory management
- Quality parts including stainless steel plate and nickel coated aluminium heater - long lasting scratch resistance
- 385mL capacity - high volume, high efficiency humidification in a compact unit

Patient benefits

- Easy to use, set up, refill and clean
- Unobtrusive in the bedroom and easily packed for travel
- Seamlessly integrated unit—simply snaps into place whenever required
- Powered by our S8™ devices - no additional power cords or cables required
- Dial control - easy to use in the dark and quick to respond



loading

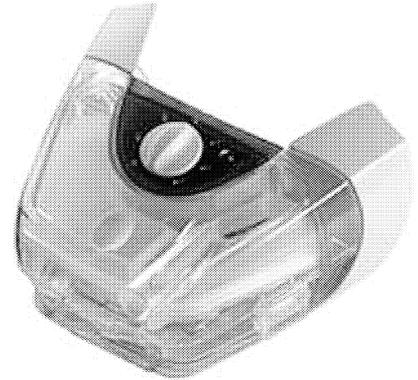
APPLICANT'S EXHIBIT 65

HumidAire 2i™

Not available in all countries.

Giving you the choice

- Integrates fully with your flow generator
- Easily attaches and detaches according to season or need
- Modular design gives you the flexibility to choose humidification when and if you need it
- Is small and portable



Features and benefits

- You can choose the humidification level you find most comfortable, via a large dial (which is easy to find even in the dark)
- Powered by the flow generator, so no separate power cord is required
- You don't need to reset the pressure when you attach the humidifier
- The water chamber opens completely for quick, easy cleaning – and closes securely.
- Electronic components are isolated from the water chamber
- *Not all Grey and Clear parts are interchangeable*

Replacement Parts

30912 Seal, Water Chamber
30913 Cross Member, Grey
30914 Tub Plate, Water Chamber
30915 O Ring, Water Chamber
30917 Latch, Grey
30938 Cross Member, Clear
30939 Latch, Clear
30941 Tub Assembly, Grey
30949 Docking Station
30951 Tub Assembly, Clear
30955 Side Catches, Clear
30956 Tub Assembly – Americas
30959 Lid (Side Catch version), Clear
30960 Lid (Side Catch version), Grey
30961 Base (Side Catch version), Clear
30962 Base (Side Catch version), Grey
30963 Side Catches, Grey

loading

APPLICANT'S EXHIBIT 66

PubMed

Abstract

Full text links

Full Text Online
Wiley Online Library

[Int J Clin Pract](#). 2012 Mar;66(3):309-17. doi: 10.1111/j.1742-1241.2011.02832.x.

The Genuair® inhaler: a novel, multidose dry powder inhaler.

Chrystyn H¹, Niederlaender C.

⊕ Author information

Abstract

This article reviews the Genuair(®) inhaler, a novel, multidose, breath-actuated dry powder inhaler. The inhaler design includes visual and acoustic feedback to reassure patients that they have taken their medication correctly, a dose indicator and a lock-out mechanism to prevent the use of an empty inhaler. The inhaler has medium airflow resistance and uses an optimised dispersion system to ensure effective deagglomeration of the inhalation powder. In vitro studies have demonstrated that the inhaler delivers a reproducible aerodynamic aerosol quality and is reliable under various thermal and mechanical stress conditions. Further studies in vitro have demonstrated that the total emitted dose and fine particle dose are both consistent over a range of inhalation flows from 45 to 95 l/min, as well as being independent of inhalation volume (2 l vs. 4 l) and storage conditions. In healthy subjects, delivery of acclidinium bromide 200 µg via the inhaler achieved high lung deposition (approximately 30% of the metered dose). A further study has shown that patients with moderate or severe chronic obstructive pulmonary disease can generate sufficient inspiratory airflow through the inhaler to reliably inhale the full dose and reset the inhaler. The inhaler has been used to deliver acclidinium in many clinical trials and the available data indicate that it has high acceptability amongst patients.

© 2012 Blackwell Publishing Ltd.

PMID: 22340451 [PubMed - indexed for MEDLINE]



Publication Types, MeSH Terms, Substances



LinkOut - more resources



PubMed Commons

[PubMed Commons home](#)

0 comments

APPLICANT'S EXHIBIT 67

SUBSCRIBER LOGIN

How We Use Cookies



What are you looking for? Search

PRODUCTS & SOLUTIONS NEWS & INSIGHT ABOUT US SUPPORT CONTACT US Welcome:Guest|LoginorRegister

Innovative respiratory inhaler Airflusal® Forspiro® receives Alufoil Trophy 2015

Source Press Release
Company Novartis
Tags General
Date April 15, 2015

April 15, 2015- AirFluSal® Forspiro®, an innovative respiratory inhaler from Sandoz, has won the coveted Alufoil Trophy 2015 in the Product Preservation category. The inhaler uses a specially designed alufoil blister strip, which was developed by Amcor Flexibles, that ensures a longer shelf life of the inhalation powder.

This recognition for technical innovation is the second award for AirFluSal® Forspiro®. In 2011, the device received the Red Dot Product Design Award, an internationally recognized quality seal awarded by the Design Zentrum Nordrhein Westfalen in Essen, Germany, for innovative product design.

"We are proud and delighted to accept the Alufoil Trophy for AirFluSal® Forspiro® in the Product Preservation category, together with our collaboration partner Amcor," said Jan-Torsten Tews, Global Head, Respiratory Franchise at Sandoz International. "This novel approach to improving the entire patient experience shows that true innovation in this field is not just about 'frontline' design, but also about rethinking the whole packaging development process to optimize product efficacy and quality."

The Alufoil Trophy, presented annually by the European Aluminium Foil Association (EAFA), recognises and rewards the use of aluminium foil and aluminium closures in all its many forms and uses.

Source: Evaluate™

©2015 Evaluate Ltd. All rights reserved.



- HOME
- OUR PRODUCTS
- LATEST NEWS & INSIGHT
- SUPPORT
- CONTACT US
- SHARE THIS PAGE

- Privacy
- Terms & Conditions
- Legal
- Careers
- Sitemap
- WorkSpace Terms & Conditions

Join Us On

Twitter

◀ ||| ▶

HOW WE USE COOKIES

© 2015 Evaluate Ltd. ALL RIGHTS RESERVED.

APPLICANT'S EXHIBIT 68



CAIRE Medical

Through internal growth and acquisitions, CAIRE has evolved over the last decade into the largest manufacturer for oxygen therapy systems on the market and the one source for every patient and provider oxygen need.

CAIRE Inc., a Chart Industries Company, is the global oxygen market leader of portable oxygen concentrators, stationary concentrators, and liquid oxygen systems.

In addition to the original CAIRE Medical liquid oxygen (LOX) products, the product line now includes:

- The leading Companion® and HELIOS® brands, acquired from Covidien in 2009. These products plus their corresponding reservoirs enhanced CAIRE's ability to meet every patient's LOX needs.
- The SeQual Eclipse, the most innovative portable oxygen concentrator on the market, along with the SeQual Integra stationary oxygen concentrators, acquired in 2011.
- The AirSep line of medical oxygen concentrators, including the world's lightest, smallest, and quietest portable oxygen concentrators for travel and ambulatory oxygen needs.

These acquisitions enable CAIRE to offer the most extensive line of oxygen product offerings anywhere under one roof.

Find out about all our products for [respiratory healthcare \(/Respiratory-Healthcare/Respiratory-Healthcare-Products\)](#).



Businesses & Brands (/Businesses)



CAIRE Medical (/Businesses/CAIRE-Medical)

News & Events (/Businesses/CAIRE-Medical/News-Events)

APPLICANT'S EXHIBIT 69



AirLife®

Support patients' next breath, so they can get the air they need

AirLife® products breathe life into patients—whether they are ventilated or breathing on their own. Connecting you to high-quality resuscitation, trach care, oxygen therapy and other consumables, our extensive portfolio helps address cross-contamination concerns.

Learn more about [AirLife® products](#)

APPLICANT'S EXHIBIT 70



AirLife® respiratory products

Give your patients the air they need

Our extensive AirLife® portfolio of respiratory system solutions empowers you to provide the highest-quality patient therapy. Whether your patients are ventilated or breathing on their own, AirLife consumables, along with a broad offering of products from our strategic partners, help address your cross-contamination concerns in today's healthcare environment. Our respiratory system products also provide essential tools to help you drive efficiencies, maximize clinical goals and promote patient satisfaction.



Bronchial hygiene

Our portfolio helps deliver incentive spirometry, positive expiratory pressure (PEP), vibratory PEP and positive airway pressure (PAP) therapies.



High flow oxygen therapy and noninvasive ventilation

The Optiflow™ system and noninvasive ventilation circuits and patient interfaces support heated, humidified high flow oxygen therapy and NPPV/NIV.



Active humidification

We offer a comprehensive and advanced line of heated humidifiers, heated circuits and accessories.



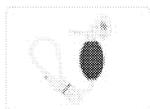
Passive humidification

AirLife® filtered, unfiltered and bypass heat and moisture exchangers, filters and non-heated circuits, and accessories support patients across care.



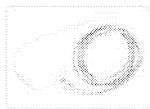
Medication delivery and asthma management

Our aerosolized medication nebulizers, metered dose inhaler chambers and inline adapters, and peak flow meters meet aerosolized medication needs.



Resuscitation

Our resuscitation portfolio offers various devices for a broad patient population, including flow-inflating and two styles of self-inflating bags.



AirLife® oxygen therapy solutions

AirLife oxygen therapy products offer options from simple cannulas, to oxygen masks, to clinically differentiated solutions like the OxyMask.



Arterial blood gas samplers

Formerly part of Vital Signs, our arterial blood gas samplers are dedicated to helping provide quality and reliable blood sampling.



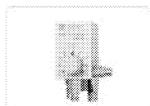
Suction catheters and trach care

AirLife open and closed suction catheters, trach care kits, trach ties and irrigation solutions help suction and clean patient airways.



Infant care

Formerly part of Vital Signs. We offer several neonatal supplies and accessories that help provide exceptional care for babies. Some of these infant care products are compatible with GE incubators and warmers.



Gas delivery devices and monitors

Our various gas delivery devices and monitors offer a wide range of options, whether you need to measure ETCO_2 , measure blending gases or analyze oxygen.

APPLICANT'S EXHIBIT 71

AstraZeneca Global

Duaklir® Genuair® approved in the European Union for chronic obstructive pulmonary disease

Monday, 24 November 2014

AstraZeneca today announced that Duaklir® Genuair® (aclidinium bromide/formoterol fumarate 340/12 mcg) has been granted Marketing Authorisation by the European Commission (EC) to be used as a maintenance bronchodilator treatment to relieve symptoms in adult patients with chronic obstructive pulmonary disease (COPD).

Approximately 300 million people¹ around the world live with COPD, a progressive and chronic disease where people find breathing difficult due to limited airflow. Improving the lung function and managing daily symptoms such as breathlessness are important to the management of COPD.

Duaklir is a fixed-dose combination of already-approved Eklira® (aclidinium bromide), a long-acting muscarinic-antagonist (LAMA), with the long-acting beta-agonist (LABA) formoterol. The twice-daily therapy is the only LAMA/LABA combination to show statistically significant improvement in breathlessness compared to individual therapies and is administered by the Genuair® dry powder inhaler device.

AstraZeneca owns the rights to develop and commercialise Duaklir Genuair in the European Union (EU) following the strategic business combination of Almirall's respiratory portfolio, which was completed last month. The EU approval of Duaklir Genuair marks an important further step in AstraZeneca's inhaled therapy strategy of providing physicians and patients a choice of products uniquely available in both dry powder and pressurised metered dose devices.

"We are pleased to receive European regulatory approval for Duaklir Genuair as an innovative treatment for patients with COPD. Patients need treatments that can help to improve their lung function and allow them to better manage the daily and debilitating symptoms of their condition, in turn improving their overall quality of life." said Briggs Morrison, Executive Vice President, Global Medicines Development and Chief Medical Officer at AstraZeneca.

The EU approval of Duaklir Genuair was based on efficacy and safety data from more than 2,000 patients in 11 clinical studies, conducted in 29 countries worldwide. Results showed that Duaklir Genuair demonstrated statistically significant and sustained improvement in the lung function compared to monotherapy, providing a favourable benefit-to-risk profile.

The EC marketing authorisation applies to all member states of the EU and the European Economic Area. Acclidinium bromide/formoterol fumarate will be marketed in Europe by AstraZeneca under the trade name Duaklir® Genuair®.

NOTES TO EDITORS

About Duaklir® Genuair®

Duaklir Genuair (acclidinium bromide/formoterol fumarate 340/12 mcg) is a fixed dose combination of two approved long acting bronchodilators with different mechanisms of action and similar pharmacodynamic profiles. Acclidinium bromide is an anticholinergic or long acting muscarinic antagonist (LAMA) that produces bronchodilation by inhibiting the muscarinic M3 receptor in the airway smooth muscle. Formoterol fumarate is a long-acting beta-agonist (LABA) that stimulates the β_2 -receptors in the bronchial smooth muscle resulting in bronchodilation. Both acclidinium bromide (Eklira®) and formoterol fumarate are separately approved for the maintenance treatment of COPD in the United States and Europe.

AstraZeneca owns the rights for the development and commercialisation of Almirall's proprietary respiratory business as well as its pipeline of investigational novel therapies.

About Genuair®

Genuair is a multi-dose, pre-loaded dry powder inhaler with a unique combination of optical and acoustic signals to reassure patients that the dose has been taken correctly. The inhaler's safety features ensure high levels of reliability while its easy-to-use features and design minimise the potential for misuse and are expected to increase patient acceptance and compliance.

About Phase III Studies AUGMENT and ACLIFORM

The Phase III clinical development programme included approximately 4,000 patients with a clinical diagnosis of COPD. The programme comprised of two 6-month randomised, control- and active-controlled studies, ACLIFORM-COPD (LAC 30) - (ACLIdinium/FORMoterol fumarate combination for Investigative use in the treatment of moderate to severe COPD) and AUGMENT (LAC 31) - (Acclidinium/formoterol FUmurate Combination for InvestiGative use in the Treatment of Moderate to Severe COPD); a 6-month extension of the AUGMENT study (LAC 36); and a further long-term 12-month randomised controlled study comparing acclidinium/formoterol 340/12 to formoterol (LAC 32).

About COPD

Chronic obstructive pulmonary disease (COPD) is a progressive and chronic disease which encompasses a number of lung conditions, including chronic bronchitis, emphysema and chronic obstructive airways disease. People with COPD have difficulty breathing due to persistent airflow limitation.

About AstraZeneca

AstraZeneca is a global, innovation-driven biopharmaceutical business that focuses on the discovery, development and commercialisation of prescription medicines, primarily for the treatment of cardiovascular, metabolic, respiratory, inflammation, autoimmune, oncology, infection and neuroscience diseases. AstraZeneca operates in over 100 countries and its innovative medicines are used by millions of patients worldwide. For more information please visit: www.astrazeneca.com

1 Decision Resources 2013 for G7 prevalence: <http://www.decisionresources.com/Products-and-Services/Report?r=dbasim0213>.

Buist SA, McBurnie MA, et al. International variation in the prevalence of COPD (The BOLD Study), a population-based prevalence study; The Lancet (2007): [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(07\)61377-4/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(07)61377-4/abstract).

CONTACTS

Media Enquiries

Esra Erkal-Paler +44 20 7604 8030 (UK/Global)
Vanessa Rhodes +44 20 7604 8037 (UK/Global)
Ayesha Bharmal +44 20 7604 8034 (UK/Global)
Jacob Lund +46 8 553 260 20 (Sweden)

Investor Enquiries

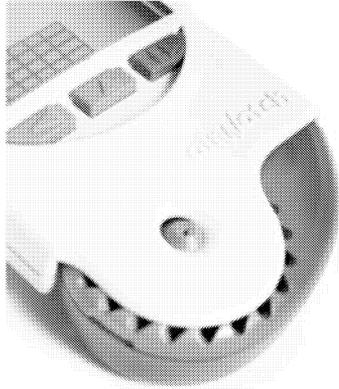
Thomas Kudsk Larsen +44 20 7604 8199 mob: +44 7818 524185
Karl Hård +44 20 7604 8123 mob: +44 7789 654364
Anthony Brown +44 20 7604 8067 mob: +44 7585 404943
Eugenia Litz +44 20 7604 8233 mob: +44 7884 735627
Christer Gruvris +44 20 7604 8126 mob: +44 7827 836825

APPLICANT'S EXHIBIT 72

To search, type and hit enter

iMetrikus

Air Watch Respiratory Device



iMetrikus

The Air Watch was originally driven by a Motorola processor designed for the pager industry. This processor reached its end of life in production and was deemed inappropriate for continued use in the updated product.

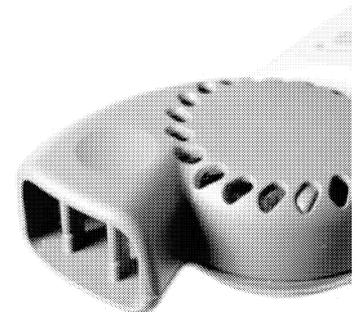
iMetrikus came to D2M with the task of replacing this processor with a performance appropriate and cost effective alternative.

Reducing Cost

D2M worked with iMetrikus to redesign the hardware and software of their Air Watch lung sensing meter while simultaneously reducing cost and adding functionality. This product was used in the U.S. and abroad by sufferers of asthma and other respiratory illnesses.

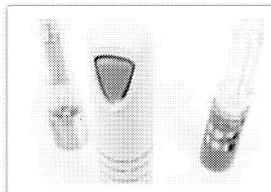
Increasing Performance

D2M successfully met all of the client's design goals by selecting a new, highly-functional and cost-effective processor, while adding additional hardware features and rewriting the code in C to replicate and enhance the product performance.

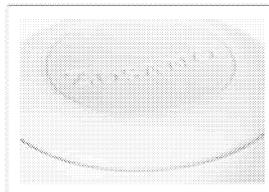




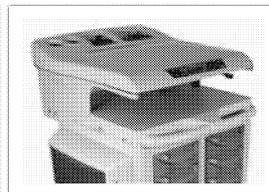
RELATED



ANESIVA | ZINGO
Oct 3, 2011



ZOSANO PHARMA
Oct 3, 2011



RUBBERMAID
Sep 28, 2011

APPLICANT'S EXHIBIT 73



Freedom...with added features

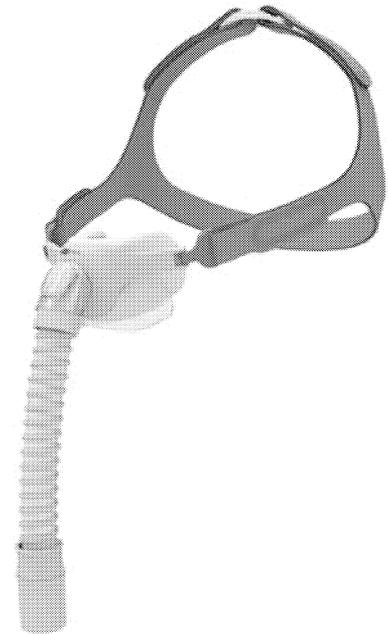
Q Cover for quieter use

Choice of headgear for versatility

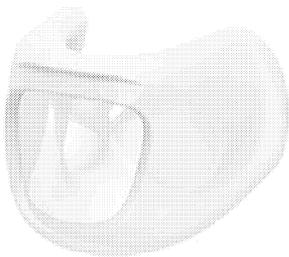
Still one convenient mask size with three simple parts to clean.



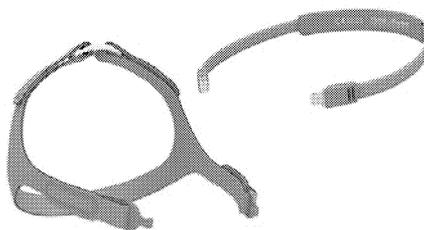
Weighing in as one of the lightest CPAP nasal pillows masks (1.94 ounces / 55 grams), the F&P Pilairo Q is quieter for the patient and bigger on performance. The clever design integrates the self-inflating AirPillow Seal and a choice between two headgear options.



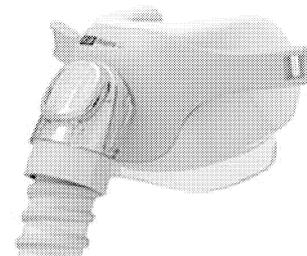
AirPillow Seal



Headgear Options



Easy Frame & Q Cover

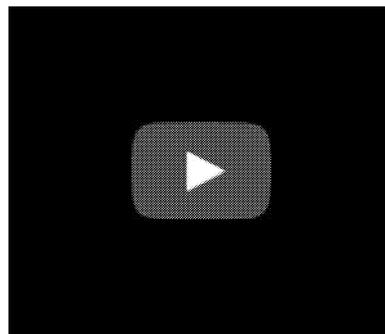
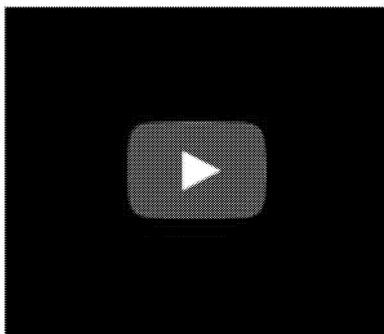
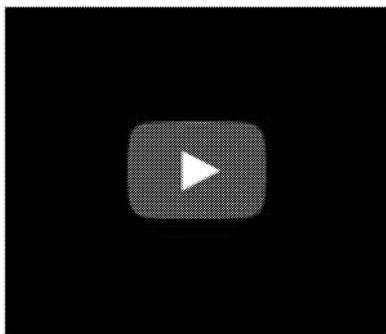


The AirPillow Seal uses CPAP pressure to self-inflate to create an effective yet gentle double seal into and around the nose. The AirPillow Seal can move and flex in any direction without compromising the seal.

Adjustable Headgear - This headgear fits a greater range of head sizes and enables sizing adjustment to the patient's preference.

Stretchwise Headgear - This minimal headgear automatically adjusts to the wearer for a quick and easy fit.

The low-profile frame is stable, durable and small, and ensures a clear line of sight. The delivery tube is lightweight, very flexible and designed to minimise pressure or pull on the face. The Q Cover ensures quieter use and minimal draft.



Reorder Codes

400421	F&P Pilairo Q	400HC565	F&P Pilairo Q Mask No H/G	400HC588	F&P Pilairo Q H/G Clips & Buckle
400HC125	F&P AirPillow Seal	400HC229	F&P Pilairo Q Elbow Cover & Diffuser (10 pack)	400HC224	Female Swivel
400HC328	F&P Adjustable & Stretchwise H/G - USA only	400HC326	F&P Pilairo Q Adjustable H/G - excludes USA	400HC322	F&P Pilairo Q Stretchwise H/G - excludes USA

** Not available in all countries

APPLICANT'S EXHIBIT 74

Tudorza® Pressair™
(aclidinium bromide inhalation powder)
400 mcg

STRIDE Patient Support Program [Prescribing Information](#)

[Why TUDORZA®?](#) | [Efficacy](#) | [Safety](#) | [PRESSAIR® Inhaler](#) | [Patient Education](#) | [Resources](#)

WITH COPD, LIMITED LUNG FUNCTION
MAKES BREATHING MORE DIFFICULT
TUDORZA CAN HELP

WHY TUDORZA?

EFFICACY

SAFETY

THE PRESSAIR INHALER

WHY TUDORZA?

TUDORZA is an anticholinergic indicated for the long-term maintenance treatment of bronchospasm associated with COPD, including chronic bronchitis and emphysema.¹

[LEARN MORE ABOUT TUDORZA](#)



INDICATIONS AND USAGE

TUDORZA® PRESSAIR® (aclidinium bromide inhalation powder) is an anticholinergic indicated for the long-term maintenance treatment of bronchospasm associated with chronic obstructive pulmonary disease (COPD), including chronic bronchitis and emphysema.

IMPORTANT SAFETY INFORMATION

- TUDORZA PRESSAIR is not indicated for the initial treatment of acute episodes of bronchospasm (ie, rescue therapy)
- Immediate hypersensitivity reactions, including anaphylaxis, angioedema (swelling of lips, tongue, or throat), urticaria, rash, bronchospasm, or itching have occurred after administration of TUDORZA PRESSAIR. Additionally, inhaled medicines, including TUDORZA PRESSAIR, may cause paradoxical bronchospasm. If any of these occurs, treatment with TUDORZA PRESSAIR should be stopped and other treatments considered
- TUDORZA PRESSAIR should be used with caution in patients with narrow-angle glaucoma or urinary retention. Instruct patients to consult a physician immediately should any signs or symptoms of acute narrow-angle glaucoma or prostatic hyperplasia or bladder-neck obstruction develop
- Patients with a history of hypersensitivity reactions to atropine should be closely monitored for similar hypersensitivity reactions to TUDORZA PRESSAIR. Use with caution in patients with severe hypersensitivity to milk proteins
- The most common adverse reactions (≥3% incidence and greater than placebo) were headache (6.6% vs 5.0%), nasopharyngitis (5.5% vs 3.9%), and cough (3.0% vs 2.2%), for TUDORZA PRESSAIR vs placebo, respectively

Please also see the full [Prescribing Information](#).

[Contact Us](#) | [US Corporate Site](#) | [Legal Statement](#) | [Privacy Notice](#) | [Site Map](#) | [Prescribing Information](#)



TUDORZA is a registered trademark of ALMIRALL, S.A.
PRESSAIR is a registered trademark of the AstraZeneca group of companies.
The stylized STRIDE and Design logo is a trademark of the AstraZeneca group of companies.
©2015 AstraZeneca. All rights reserved. 1896107-3117806 Last Updated 4/15

APPLICANT'S EXHIBIT 75



Your Global Medical Equipment Platform

English

Quick Search [] Search [?] Advanced Search >>

- Home
- Buy
- Sell
- Leads
- Services
- My MedWOW
- About Us

MedWOW / Medical Equipment / Pulmonary Medicine Equipment / Spirometer / Jones Medical / Pulmonaire 10

8+1 0 | Share | f t s dtag

Used Spirometer - Jones Medical - Pulmonaire 10 Item 915053321

Are you the Seller of this medical device/part? [Log In](#) for more options.



[Click to enlarge image](#)

Status:	Open
Item type:	Complete System
Category:	Pulmonary Medicine
Device:	Spirometer
Manufacturer:	Jones Medical
Model:	Pulmonaire 10
Condition:	Refurbished - major parts replacement
Year manufactured:	2004 (Estimated year)
Date refurbished:	May-2011
Location:	United States, New York
Availability:	Immediate
Quantity:	1 available
Unit Price:	550.00 USD

[Contact the Seller](#)

Dollars - United States - USD

Seller details

Location: United States, New York
 Business type: Service Company
 Num. of items sold: 37
 Rating: % (5 votes)



Learn More About This Seller

[Get a D&B Report >>](#)

Buying Toolbox

- [Tips for Buying this Device](#)
- [Manufacturer Specifications](#)

Track this Item

- [Request Alert](#)
- [Add to My Favorites](#)
- [Email this Page](#)

Sale Information

Payment

- Payment methods: MedWOW SafeTrade, PayPal
- Advance payment percentage: 100%

Services supplied by the seller

- Service contract
- Installation
- Training

Packaging

The item is not packed

Inspection

- Seller allows inspection of item? Yes
- Available for inspection from: Immediate

Warranty

- Period: 3 months
- Warranty type: Material

All item information on this page has been supplied by seller and MedWOW cannot guarantee its accuracy.

Didn't find the medical device you're looking for? [Post a Buying Request](#)

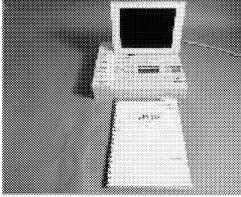
A buying lead is an excellent way to reach worldwide medical equipment sellers!



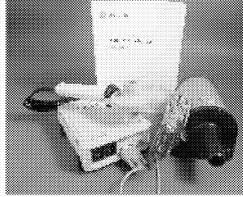
- Fill in a simple form, giving us details about the medical device you are searching for.
- Receive competitive quotes from global sellers that have the item you are searching for in their inventory.
- Choose the best and most suitable quote for you!

Post a Buying Request >>

View more Spirometer devices for sale



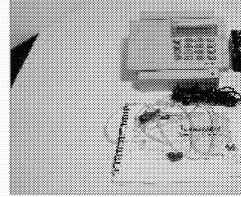
SP-10 - Welch Allyn



MasterScope - Jaeger



SPIROANALYZER ST-250 - Futuremed



BENNETT Renaissance Spirometry System - Nellcor Puritan Bennett

[View All Spirometer devices for sale >>](#)

The Medical Equipment Buying Guide

A must-have for purchasers of medical equipment. Explore thousands of buying tips, recommended questions, inspection forms and more!

Now Available online!

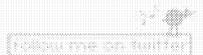
[Learn more >>](#)

Spirometer may also be referred to as: PFT | Spirometer | Angiospirometer | Spirometer, Diagnostic

Popular Searches

- | | | | |
|---------------------------|--------------------------------|-------------------------------|-------------------------|
| CT Scanner | Diagnostic Ultrasound | Laser - Excimer | Used Ambulance for Sale |
| MRI | Cardiac Ultrasound | Patient Monitor | Heart-Lung Machine |
| Radiotherapy Simulator | Used Ultrasound | Refurbished Medical Equipment | Used Hospital Beds |
| PET/CT | Bone Densitometer, Dual Energy | Mobile Radiographic Unit | Used Hospital Equipment |
| Computer Assisted Surgery | Cath Lab | Mammography Unit | Medical Equipment Parts |
| | | Ultrasound Probes | Hospital Liquidation |

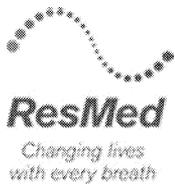
[Advertise](#) | [Help](#) | [Contact Us](#) | [Blog](#) | [Link to Us](#) | [Franchise](#) | [Site Map](#)



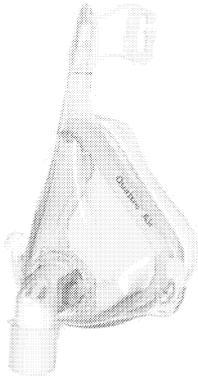
Use of this website constitutes acceptance of the MedWOW User Agreement and Privacy Policy.

© 2014 All rights reserved, MedWOW Ltd. Global online marketplace for buying and selling used medical equipment and medical equipment parts.

APPLICANT'S EXHIBIT 76



QuattroTM Air



Drift off to a great night's sleep with the ResMed QuattroTM Air, the lightest full face mask on the market today.¹ Made up of just four parts, the mask is easy to use and assemble. The patented Spring AirTM cushion reduces pressure on your face while maintaining a high-performance seal, to deliver supreme comfort for your sleep apnea therapy.

Key features

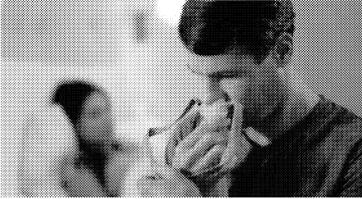
- **Comfortable.** The patented Spring AirTM cushion features dual walls for a comfortable, gentle fit that's also snug for optimum sleep apnea therapy.
- **Simple.** With only four parts — the fewest of any leading full face mask — the Quattro Air is easy to assemble, and a snap to clean.
- **Quiet.** Circular diffused vents quietly direct air away from you and your and bed partner.
- **Dependable.** The flex-wing forehead support feels light on your face while providing the right amount of stability for a dependable seal.

If you or a loved one has been diagnosed with sleep apnea, ask your doctor or medical equipment supplier about the ResMed Quattro Air. If you haven't been diagnosed but think you may have sleep apnea, learn more about next steps at WakeUpToSleep.com.

How to buy

After receiving your official diagnosis from your doctor, you can get your mask and device from a home medical equipment (HME) supplier. For a list of local equipment suppliers in your area or online retailers that sell ResMed products, please contact our Customer Service department.

Product support



How to fit your ResMed mask

Does your mask fit properly? Find FAQs on mask fitting here.



Time for a replacement?

How often should you replace your mask and individual components?



Choosing the right mask

How can you find the mask that best fits your unique therapy needs?

More products

Quattro Air for Her

The Quattro Air for Her is sleek and lightweight, featuring a stylish headgear and fit range specifically for women to complement her personal style.

Quattro FX

A full face mask doesn't have to block your view. The Quattro FX provides the coverage and stability of a traditional full face mask with a clear field of vision so you can focus on sleeping comfortably through the night.

Quattro FX for Her

The Quattro FX for Her features a lightweight frame and clear field of vision in a stylish pink headgear for women.

Pixi™

A pediatric mask designed with children and their families in mind.

© 2014 ResMed. All rights reserved.

APPLICANT'S EXHIBIT 77

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

In the matter of Application Serial No.: 85/806,379
Filed: December 19, 2012
For the mark: HOLAIRA
Published in the *Trademark Official Gazette* on December 3, 2013

Boston Scientific Corporation and
Asthmatx, Inc.

Opposition No. 91215699

Opposers,

v.

**HOLAIRA, INC.'S FIRST SET OF
INTERROGATORIES TO OPPOSERS**

Holaira, Inc.

Applicant.

TO: Boston Scientific Corporation and Asthmatx, Inc., above named, and Stephen R. Baird, Bradley, J. Walz and Timothy D. Sitzmann of Winthrop & Weinstine, P.A., 3500 Capella Tower, 225 South Sixth Street, Minneapolis, Minnesota 55402, their attorneys.

Pursuant to 37 C.F.R. § 2.120(d), Fed. R. Civ. P. 33, and TBMP §§ 405.01-405.04(c), Holaira, Inc. ("Applicant"), by its undersigned attorneys, requests and requires that Opposers Boston Scientific Corporation and Asthmatx, Inc. ("Opposers") furnish Answers to the following Interrogatories to Applicant's attorneys within thirty (30) days of the date of service hereof.

Furthermore, You are under a duty to supplement Your response with respect to any Interrogatory directly addressed to (1) the identity and location of persons having knowledge of discoverable matters, and (2) the identity of each person expected to be called as an expert witness at trial, the subject matter on which said expert is expected to testify, and the substance of his or her testimony. In addition, You are under a duty to amend a prior response if You obtain information on the basis of which You know that the response was incorrect when made,

or that the response, though correct when made, is no longer true, and the circumstances are such that a failure to amend the response is, in substance, a knowing concealment.

A. DEFINITIONS AND INSTRUCTIONS

As used in these Interrogatories, the following words and terms have the meaning ascribed to them:

1. “Communication” shall mean transmission of information by any means including, but not limited to, oral, written, or electronic communications, including, but not limited to letter, telephone, email, text message, instant message, or in-person communication.

2. Opposers refers to Boston Scientific Corporation and/or Asthmatx, Inc., conjunctively or disjunctively, and their predecessors, successors, assigns, agents, employees, officers, former employees, former officers, directors, affiliates, partners, subsidiaries, parent corporations, attorneys or other persons or entities acting on their behalf.

3. “Describe” or “State” means to provide a comprehensive, complete, accurate, and detailed description, explanation, or listing of the matter inquired of, including the date, time, place, participants in, and witnesses to, any event, and identification of any Document relating to such event.

4. “Document(s)” is used in its customary broad sense and includes all written, typed, printed, recorded, or graphic statements, communications, or other matter in Your possession, custody, or control, or in the possession, custody, or control of Your agents, servants, employees, representatives, consultants, or legal counsel, however produced or reproduced and whether or not now in existence including, without limitation:

All writings and recordings, including the originals, drafts, and all non-identical copies (including, without limitation, interoffice and intra-office communications, e-mail and

attachments, correspondence or letters, memoranda, notes, diaries, minutes, notations of any sort of conversations, transcripts of personal or telephone conversations, transcripts of text messages, handwritten or any other notes, contracts or agreements, permits, reports, studies, check stubs or receipts, statements, invoices, offers, applications, brochures, pamphlets, periodicals, circulars, trade letters, press releases, newspaper and magazine clippings, summaries, working papers, indices, printouts, teletypes, telefax, worksheets, telephone call records, desk calendars, appointment books, forecasts or projections, accountants' notes or work papers, graphs, spread sheets, accounts, financial information or reports, statistical or analytical records, opinions or reports of consultants, appraisals, or notebooks, and all drafts, alterations, modifications, changes, and amendments to any of the foregoing); graphic or aural representations of any kind (including without limitation, photographs, microfiche, microfilm, videotape, audio recordings, plans, charts, or drawings); electronic, mechanical, magnetic, or optical data, records, or representations of any kind (including, without limitation, computer files and programs, tapes, cassettes, discs, storage media, recordings, metadata, voice recordings and messages, and text messages); any other written, recorded, transcribed, taped, filed, or graphic matter, however produced or reproduced; and any other document, writing, or other data compilation of whatever form and description including, but not limited to, any information contained on any computer although not printed and all originals, drafts and copies of the foregoing.

5. "Identify" when used in reference to (a) a natural individual, requires You to state his or her full name, residential address and telephone number; (b) a corporation, requires You to state its full corporate name and any names under which it does business, its state of

incorporation, and the address of its principal place of business; (c) a business, requires You to state the full name or style under which the business is conducted, and its business address or addresses; (d) a Document, requires You to state the nature of the Document (e.g., letter, memorandum, contract, etc.), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a conversation, conference, meeting or other communication requires You, if any part of the communication was written, to identify the Document or Documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify, as required above, the persons participating in, or in attendance during, the communication, and to state the date, manner, place, and substance of the communication.

6. “Person” means natural persons, corporations, partnerships, unions, associations, or any other kind of entity.

7. “Relating to” means concerning, referring to, or in any way connected with.

8. “You,” “Your,” and “Yourself” refer to Opposers and each of their agents, representatives and attorneys, and each person acting on their behalf.

9. “Opposers’ Mark” means the mark identified by Opposers in paragraphs 8 and 9 on pages 2 and 3 of the Notice of Opposition.

10. “Opposers’ Products and Services” means any product(s) or services marketed or sold by Opposers using or affixing Opposers’ Mark, including, without limitation, those products and services identified in paragraphs 8 and 9 on pages 2 and 3 of the Notice of Opposition.

11. “Holaira’s Mark” means the mark identified in United States Application Serial No. 85/806,379.

12. “Holaira’s Products” means products marketed by Holaira using or affixing Holaira’s Mark and/or the goods identified in United States Application Serial No. 85/806,379.

13. With respect to each Interrogatory, in addition to supplying the information requested, You are to identify all Documents relied upon in answering the Interrogatory or that support, refer to, or evidence the subject matter of each Interrogatory and Your answer thereto.

14. If any or all Documents requested to be identified herein are no longer in Your possession, custody, or control because of destruction, loss or any other reason, then do the following with respect to each and every such Document:

- (a) Describe the nature of the Document (e.g., letter or memorandum);
- (b) State the date of the Document;
- (c) Identify the persons who sent and received the original and a copy of the Document;
- (d) State in as much detail as possible the contents of the Document; and
- (e) State the manner and date of disposition of the Document.

15. If You claim that any information requested in these Interrogatories is protected from disclosure by an evidentiary privilege (e.g., spousal, attorney-client, clergy-confessor, physician-patient, psychologist-client, etc.), state the privilege asserted, the nature of the communications, Documents, or things not produced in a manner that, without reviewing the privileged or protected information itself, will enable Defendant to assess the applicability of the privilege of the protection, including but not limited:

- (a) the identity of its author(s) or creator(s);
- (b) the identity of its recipient(s);
- (c) its subject matter;
- (d) the identity of person(s) to whom the Document, or any portion thereof, has already been revealed;

- (e) the source of the Document;
- (f) the date of the Document; and
- (g) the complete basis upon which it is being withheld.

16. The singular form of a word shall also refer to the plural.

17. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any Documents or information that may otherwise be construed to be outside its scope. The term “each” includes “every,” and vice versa. The terms “a,” “an,” and “any” include “all,” and “all” includes “a,” “an,” and “any.”

B. INTERROGATORIES

INTERROGATORY NO. 1: Identify each Person who has knowledge of the facts or claims alleged in the Notice of Opposition, and for each person identified, describe the facts or knowledge he or she possesses.

INTERROGATORY NO. 2: Identify the Person or Persons with primary responsibility and knowledge regarding the marketing, advertising, and packaging of Opposers’ Products and Services.

INTERROGATORY NO. 3: Identify the Person or Persons with primary responsibility and knowledge regarding the policing and enforcement of Opposers’ Mark.

INTERROGATORY NO. 4: Describe the pronunciation of Opposers’ Mark.

INTERROGATORY NO. 5: Identify the dates on which Opposers first began advertising and selling Opposers’ Products and Services in the United States.

INTERROGATORY NO. 6: Identify when and under what circumstances Opposers became aware of any third parties, besides Holaira, selling product(s) for treating the pulmonary system

or pulmonary conditions or illnesses utilizing a mark that incorporates the letters a, i , and r in sequential order (“air”), by stating:

- (a) the identity of the third party using the mark;
- (b) when Opposers became aware of the use of the third party’s use of the mark;
- (c) whether Opposers objected to the use of such third party mark, and if so, the form of such objection; and
- (d) the outcome of any dispute over such third party mark.

INTERROGATORY NO. 7: Identify and Describe in detail all efforts that Opposers have made to enforce the Opposers’ rights in Opposers’ Marks against third parties, other than Holaira.

INTERROGATORY NO. 8: Identify each instance you are aware of in which a person has been confused, deceived, or mistaken about, or suggested to made any inquiry about, a connection, association, affiliation, endorsement, sponsorship, or relationship of any kind between Holaira or Holaira’s Products on the one hand, and Opposers or Opposers’ Products and Services on the other, by stating for each instance: (1) the date of such instance and identity of the person or entity inquiring about association or confusion; (b) Opposers’ employee or agent to whom the inquiry was received or reported; and (c) the nature of the inquiry.

INTERROGATORY NO. 9: Describe the typical purchasing process for persons or individuals purchasing Opposers’ Products and Services, including, without limitation, identifying the purchasing Person and all Persons involved in the purchasing decision and describing each Person’s respective role.

INTERROGATORY NO. 10: Describe Opposers’ marketing efforts related to Opposers’ Products and Services, including, without limitation, an identification of the types of individuals

and entities targeted by Opposers' marketing efforts and a description of the specific marketing efforts undertaken.

INTERROGATORY NO. 11: Identify each Person who provided information for the answers to these interrogatories, and for each Person identified, identify the information provided.

INTERROGATORY NO. 12: Identify the Person(s) most knowledgeable about any market research, investigations, reports, surveys, or studies relating or referring to Opposers' Mark.

INTERROGATORY NO. 13: With respect to Opposers' Mark, state:

- (a) the Identity of the Person(s) responsible for Opposers' conception, selection, and adoption of Opposers' Mark;
- (b) the reason(s) for selecting and adopting the mark; and
- (c) whether Opposers conducted a trademark search relating to such mark and, if so, Identify the Person(s) who conducted the search.

INTERROGATORY NO. 14: Describe in detail what the Opposers believe are the differences between Opposers' Mark and Holaira's Mark.

INTERROGATORY NO. 15: Describe in detail the sales and distribution process for Opposers' Products and Services.

INTERROGATORY NO. 16: Identify the price charged to customers for each of Opposers' Products and Services.

INTERROGATORY NO. 17: Identify and describe the advertising channels and sales channels used by Opposers for Opposers' Products and Services.

INTERROGATORY NO. 18: Identify each witness You expect will testify during Your testimony period, and for each witness identified, Describe the facts regarding which You anticipate the witness will testify and, with respect to expert witnesses, the opinion each witness will present and the basis for the opinion.

Dated: August 4, 2014

OPPENHEIMER WOLFF & DONNELLY LLP

By:



Barbara J. Grahn
Dennis E. Hansen

Campbell Mithun Tower
222 South Ninth Street
Suite 2000
Minneapolis, MN 55402-3338
Telephone: 612.607.7000
Facsimile: 612.607.7100
Email: *bgrahn@oppenheimer.com*
dhansen@oppenheimer.com

**ATTORNEYS FOR APPLICANT
HOLAIRA, INC.**

APPLICANT'S EXHIBIT 78

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

In the matter of Application Serial No.: 85/806,379
Filed: December 19, 2012
For the mark: HOLAIRA
Published in the *Trademark Official Gazette* on December 3, 2013

Boston Scientific Corporation and
Asthmatx, Inc.

Opposers,

v.

Opposition No. 91215699

Holaira, Inc.

Applicant.

**OPPOSERS' ANSWERS TO HOLAIRA, INC.'S
FIRST SET INTERROGATORIES**

TO: Applicant Holaira, Inc. and its attorneys Oppenheimer Wolff & Donnelly LLP, Barbara J. Grahn, Esq. and Dennis E. Hansen, Esq., Campbell Mithun Tower, 222 South Ninth Street, Suite 2000, Minneapolis, Minnesota 55402-3338.

Boston Scientific Corporation and Asthmatx, Inc. ("Opposers") hereby answer and object to Holaira, Inc.'s ("Applicant") First Set of Interrogatories ("Interrogatories"), as follows:

GENERAL OBJECTIONS

1. Opposers object generally to Applicant's Interrogatories and to the definitions contained therein to the extent they seek information protected from disclosure by the attorney-client privilege and the work product doctrine.

2. Opposers object generally to Applicant's Interrogatories and to the definitions contained therein to the extent that they purport to call for information or documents not in the possession, custody, or control of Opposers.

3. Opposers object generally to Applicant's Interrogatories and to the definitions contained therein to the extent they seek information beyond that required by the Federal Rules of Civil Procedure or other applicable rules.

4. Opposers object generally to Applicant's Interrogatories to the extent they seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

5. Opposers object generally to Applicant's Interrogatories to the extent they seek information already in Applicant's knowledge, possession, custody, or control.

6. Opposers object generally to Applicant's Interrogatories to the extent they purport to require Opposers to locate or identify information that is not within its possession, custody, or control.

7. Opposers object generally to Applicant's Interrogatories to the extent they seek to discover Opposers' confidential, proprietary, and/or trade secret information.

8. The foregoing General Objections are applicable to and included in Opposers' objections to each and every one of Applicant's Interrogatories, whether or not specifically raised below. The objections set forth below are not a waiver, in whole or in part, of any of the foregoing General Objections.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO 1: Identify each Person who has knowledge of the facts or claims alleged in the Notice of Opposition, and for each person identified, describe the facts or knowledge he or she possesses.

ANSWER: Opposers object to this Interrogatory on the ground that the reference to "knowledge of the facts or claims alleged in the Notice of Opposition" is vague.

INTERROGATORY NO 2: Identify the Person or Persons with primary responsibility and knowledge regarding the marketing, advertising, and packaging of Opposers' Products and Services.

ANSWER: Karen Passafaro and Beran Rose have primary responsibility and knowledge regarding marketing, advertising, and packaging of Opposers' Products and Services.

INTERROGATORY NO 3: Identify the Person or Persons with primary responsibility and knowledge regarding the policing and enforcement of Opposers' Mark.

ANSWER: Cathleen Dyer, Kurt Lockwood, and Michelle Anderson.

INTERROGATORY NO 4: Describe the pronunciation of Opposers' Mark.

ANSWER: Opposers' Mark has been pronounced as "uh-lair," "all-air," and "ah-lair."

INTERROGATORY NO 5: Identify the dates on which Opposers first began advertising and selling Opposers' Products and Services in the United States.

ANSWER: Opposers object to this Interrogatory on the grounds that it is irrelevant and seeks information that is unlikely to lead to the discovery of admissible evidence. In Applicant's Responses to Opposers' First Set of Requests for Admissions, Applicant admitted that it has not used Applicant's Mark in commerce prior to December 19, 2012. Additionally, Opposers' Registration Nos. 2856168 and 3380080 are of record and were registered, respectively, on June 22, 2004 and February 12, 2008.

INTERROGATORY NO 6: Identify when and under what circumstances Opposers became aware of any third parties, besides Holaira, selling product(s) for treating the pulmonary system or pulmonary conditions or illnesses utilizing a mark that incorporates the letters a, i, [sic] and r in sequential order ("air"), by stating:

- (a) the identity of the third party using the mark;
- (b) when Opposers became aware of the use of the third party's use of the mark;
- (c) whether Opposers objected to the use of such third party mark, and if so, the form of such objection; and
- (d) the outcome of any dispute over such third party mark.

ANSWER: Opposers object to this Interrogatory on the ground that the reference to "illnesses" is overly broad and it seeks information that is irrelevant and unlikely to lead to the

discovery of admissible evidence. Without waiving these objections, Opposers answer as follows:

1a. Reckitt Benckiser LLC and an Intent-to-Use application for the mark ALLAIRE.

1b. Opposers are still investigating this subpart and will supplement when responsive information is discovered.

1c. Yes, Opposers filed a Notice of Opposition.

1d. Reckitt Benckiser LLC abandoned the application with prejudice.

2a. Glaxo Group Limited's use of ADVAIR.

2b. Opposers are still investigating this subpart and will supplement when responsive information is discovered.

2c. No.

2d. Not applicable, see above answer to 2c.

3a. Merck & Co.'s use of SINGULAIR

3b. Opposers are still investigating this subpart and will supplement when responsive information is discovered.

3c. No.

3d. Not applicable, see above answer to 3c.

4a. Riker Laboratories, Inc.'s use of MAXAIR.

4b. Opposers are still investigating this subpart and will supplement when responsive information is discovered.

4c. No.

4d. Not applicable, see above answer to 4c.

5a. Novartis AG's use of XOLAIR.

5b. Opposers are still investigating this subpart and will supplement when responsive information is discovered.

5c. No.

5d. Not applicable, see above answer to 5c.

INTERROGATORY NO 7: Identify and Describe in detail all efforts that Opposers have made to enforce the Opposers' rights in Opposers' Marks against third parties, other than Holaira.

ANSWER: The burden of deriving or ascertaining the answer to this Interrogatory is substantially the same for Applicant as it is for Opposers. Therefore, pursuant to F.R.C.P. 33(d), Opposers have produced documents bates numbered: BSC000064-BSC000088, BSC000090-BSC000094, BSC000549-BSC000557, BSC000714-BSC000721, BSC000772-BSC000780.

INTERROGATORY NO 8: Identify each instance you are aware of in which a person has been confused, deceived, or mistaken about, or suggested to made [sic] any inquiry about, a connection, association, affiliation, endorsement, sponsorship, or relationship of any kind between Holaira or Holaira's Products on the one hand, and Opposers or Opposers' Products and Services on the other, by stating for each instance: (1) the date of such instance and identity of the person or entity inquiring about association or confusion; (b) Opposers' employee or agent to whom the inquiry was received or reported; and (c) the nature of the inquiry.

ANSWER: Opposers object to this Interrogatory on the ground that it seeks information that is irrelevant and unlikely to lead to the discovery of admissible evidence. Applicant's Mark was filed on an intent-to-use basis and Applicant's Answer to Interrogatory No. 7 confirms that Applicant has not used Applicant's Mark in connection with Applicant's Goods in the United States.

INTERROGATORY NO 9: Describe the typical purchasing process for persons or individuals purchasing Opposers' Products and Services, including, without limitation, identifying the purchasing Person and all Persons involved in the purchasing decision and describing each Person's respective role.

ANSWER: Opposers object to this Interrogatory on the ground that the reference to "typical purchasing process" is vague. Without waiving this objection, there are a number of Persons that play a role in the purchasing process. Potential patients, physicians, hospitals,

clinics, and related health care entities learn of Opposers' Products and Services through Opposers' marketing and advertising or through word of mouth. Patients may visit Opposers' website or contact their physician or doctor to discuss Opposers' Products and Services. Doctors who learn of Opposers' Products and Services through Opposers' marketing and advertising or through word of mouth may contact Opposers for additional information, or may request the ALAIR® treatment from their hospital, clinic or health care entity. As a result of Opposers' marketing and advertising, or through word of mouth, patient request, or a doctor or physician request, a hospital, clinic, or health care entity may choose to purchase Opposers' Products and Services. Opposers may make initial contact with a hospital, clinic, or health care entity or the hospital, clinic, or health care entity may contact Opposers to obtain additional information. If the hospital, clinic, or health care entity chooses to purchase Opposers' Products and Services, Opposers sell the Products and Services to the hospital, clinic, or health care entity. Each individual patient makes the ultimate decision as to whether to purchase the treatment offered in connection with Opposers' Products and Services.

INTERROGATORY NO 10: Describe Opposers' marketing efforts related to Opposers' Products and Services, including, without limitation, an identification of the types of individuals and entities targeted by Opposers' marketing efforts and a description of the specific marketing efforts undertaken.

ANSWER: Opposers' marketing and advertising efforts target a wide variety of individuals and entities, including patients, hospitals, clinics, doctors, physicians, and other health care professionals and entities. Opposers utilize direct mail, email marketing, internet marketing, websites, website surveys, patient events, patient programs, question and answer sessions, trade shows, presentations, patient interviews, advertising in medical, trade, scientific, and clinical journals, press releases, promotion through traditional print and broadcast media, and other in-person events targeted toward patients, physicians, doctors, and health care entities.

Opposers have also created DVDs, brochures, and other informational material that are available at Opposers' websites, from doctors, from hospitals, clinics, health care entities, and at in-person programs, presentations, and similar events. Opposers market and advertise Opposers' Products and Services in connection with both the ALAIR® mark and Opposers' BRONCHIAL THERMOPLASTY® mark in a manner that creates a direct association between the both marks and Opposers' Products and Services in the minds of patients, doctors, physicians, and health care entities.

INTERROGATORY NO 11: Identify each Person who provided information for the answers to these interrogatories, and for each Person identified, identify the information provided.

ANSWER: Kurt Lockwood, Cathleen Dyer, and Karen Passafaro with the assistance of counsel.

INTERROGATORY NO 12: Identify the Person(s) most knowledgeable about any market research, investigations, reports, surveys, or studies relating or referring to Opposers' Mark.

ANSWER: Opposers object to this Interrogatory on the ground that it is cumulative of Interrogatory No. 2.

INTERROGATORY NO 13: With respect to Opposers' Mark, state:

- (a) the Identity of the Person(s) responsible for Opposers' conception, selection, and adoption of Opposers' Mark;
- (b) the reason(s) for selecting and adopting the mark; and
- (c) whether Opposers conducted a trademark search relating to such mark and, if so, Identify the Person(s) who conducted the search.

ANSWER: Opposers object to this Interrogatory on the ground that subsection (a) with respect to the identity of Persons are cumulative of Interrogatory No. 2. Without waiving Opposers' objections to this Interrogatory, Opposers answer with respect to (b) that the mark was selected because it connotes the phrase "all air" which suggests that Opposers' Products and

Services make it easier to breathe; and with respect to (c), pursuant to F.R.C.P. 33(d), Opposers have produced documents bates numbered BSC000095-BSC000096, BSC000119-BSC000548, BSC000621-BSC000622.

INTERROGATORY NO 14: Describe in detail what the Opposers believe are the differences between Opposers' Mark and Holaira's Mark.

ANSWER: The differences between Opposers' Mark and Holaira's Mark are minimal. Visually, Holaira's Mark incorporates the entirety of Opposers' ALAIR mark, but transposes the initial A- to the end of Holaira's Mark. The Holaira Mark adds an H and an O to Opposers' Mark. Phonetically, the Holaira Mark sounds like "uh-lair-uh," making the only phonetic difference between Opposers' Mark and Holaira's Mark is the addition of the terminal 'uh' sound.

INTERROGATORY NO 15: Describe in detail the sales and distribution process for Opposers' Products and Services.

ANSWER: Opposers object to this Interrogatory on the ground that it is cumulative of Interrogatory No. 9.

INTERROGATORY NO 16: Identify the price charged to customers for each of Opposers' Products and Services.

ANSWER: See Opposers' Confidential Answers to Interrogatories.

INTERROGATORY NO 17: Identify and describe the advertising channels and sales channels used by Opposers for Opposers' Products and Services.

ANSWER: Opposers object to this Interrogatory on the ground that it is cumulative of Interrogatory No. 10.

INTERROGATORY NO 18: Identify each witness You expect will testify during Your testimony period, and for each witness identified, Describe the facts regarding which You anticipate the witness will testify and, with respect to expert witnesses, the opinion each witness will present and the basis for the opinion.

ANSWER: Opposers object to this Interrogatory with respect to expert witnesses on the ground that it is premature. Opposers will disclose any expert it intends to rely on pursuant to the Board's Institution Order. Without waiving these objections, Opposers have not identified the witnesses they expect will testify.

AS TO ANSWERS:

BOSTON SCIENTIFIC CORPORATION

Dated: _____, 2014

By: Kurt W. Lockwood

Its: Assistant Secretary

ASTHMATX, INC.

Dated: _____, 2014

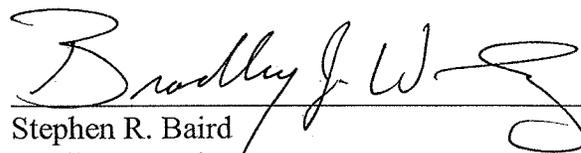
By: Vance R. Brown

Its: Director

AS TO OBJECTIONS:

WINTHROP & WEINSTINE, P.A.

Dated: September 10, 2014



Stephen R. Baird
Bradley J. Walz
Timothy D. Sitzmann

3500 Capella Tower
225 South Sixth Street
Minneapolis, MN 55402
(612) 604-6400 (Telephone)
(612) 604-6800 (Facsimile)
Attorneys for Opposers Boston Scientific Corporation and Asthmatx, Inc.

APPLICANT'S EXHIBIT 80

ESTTA Tracking number: **ESTTA290567**

Filing date: **06/18/2009**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Alere Medical Incorporated		
Entity	Corporation	Citizenship	California
Address	595 Double Eagle Court Suite 1000 Reno, NV 89521 UNITED STATES		

Attorney information	Joshua S. Jarvis, Esq. Foley Hoag LLP 155 Seaport Blvd. Boston, MA 02210 UNITED STATES jjarvis@foleyhoag.com, ustrademark@foleyhoag.com Phone:617-832-3018		
----------------------	---	--	--

Registrations Subject to Cancellation

Registration No	2856168	Registration date	06/22/2004
Registrant	ASTHMATX, INC. 1340 SPACE PARK WAY MOUNTAIN VIEW, CA 94043 UNITED STATES		

Goods/Services Subject to Cancellation

Class 010. First Use: 2001/08/09 First Use In Commerce: 2001/08/09 All goods and services in the class are cancelled, namely: medical therapeutic devices for use in the treatment of pulmonary diseases, namely, catheters, probes, generators, bronchoscopes, and electrodes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3380080	Registration date	02/12/2008
Registrant	Asthmatx, Inc. 1340 Space Park Way Mountain View, CA 94043 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2006/10/06 First Use In Commerce: 2006/10/06 All goods and services in the class are cancelled, namely: Training and teaching in the field of surgery and treatment of pulmonary diseases, namely training and teaching in the use and operation of medical devices for bronchial surgery or treatment, and distribution of course materials, namely printed materials and electronic media, in connection therewith

Grounds for Cancellation

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

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2659940	Application Date	08/03/1999
Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	ALERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1996/08/26 First Use In Commerce: 1996/08/26 medical monitoring apparatus used to monitor and communicate data such as weight, blood pressure, blood glucose levels, other blood chemistry data, heart rate, EKG, coagulation time, peak flow, or other measurements of respiratory function in patients with chronic diseases such as asthma, diabetes, obesity, chronic hypertension, chronic renal disease and chronic obstructive pulmonary disease		

U.S. Registration No.	3530814	Application Date	04/09/2008
Registration Date	11/11/2008	Foreign Priority Date	NONE
Word Mark	ALERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 1996/12/13 First Use In Commerce: 1996/12/13 health care services		

Attachments	77443888#TMSN.jpeg (1 page)(bytes) ALAIR Petition for Cancellation.pdf (18 pages)(554215 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Holaira001719

Signature	/joshuasjarvis/
Name	Joshua S. Jarvis, Esq.
Date	06/18/2009

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

Alere Medical Incorporated,

Petitioner,

v.

Asthmatx, Inc.,

Respondent.

Cancellation No.

Registration Nos.

2856168

3380080

PETITION FOR CANCELLATION

Alere Medical Incorporated, a California corporation having a place of business at 595 Double Eagle Court, Suite 1000, Reno, Nevada 89521 (hereinafter "Petitioner"), believes that it will be damaged by Registration Nos. 2856168 and 3380080 for the mark ALAIR, and hereby petitions to cancel same.

The grounds for this petition are as follows:

1. Respondent is the owner of Registration No. 2856168 of the mark ALAIR for "medical therapeutic devices for use in the treatment of pulmonary diseases, namely, catheters, probes, generators, bronchoscopes, and electrodes" in International Class 10, which issued on June 22, 2004.

2. Respondent is the owner of Registration No. 3380080 of the mark ALAIR for "Training and teaching in the field of surgery and treatment of pulmonary diseases, namely training and teaching in the use and operation of medical devices for bronchial surgery or

treatment, and distribution of course materials, namely printed materials and electronic media, in connection therewith” in International Class 41, which issued on February 12, 2008.

3. Petitioner is the owner of Registration No. 2659940 of the mark ALERE for “medical monitoring apparatus used to monitor and communicate data such as weight, blood pressure, blood glucose levels, other blood chemistry data, heart rate, EKG, coagulation time, peak flow, or other measurements of respiratory function in patients with chronic diseases such as asthma, diabetes, obesity, chronic hypertension, chronic renal disease and chronic obstructive pulmonary disease” in International Class 10, which issued on December 10, 2002.

4. Petitioner is the owner of Registration No. 3530814 of the mark ALERE for “health care services” in International Class 44, which issued on November 11, 2008.

5. Pursuant to Trademark Rule 2.122(d), print-outs from the USPTO TARR, TESS, and Assignment databases for Petitioner’s Registrations Nos. 2659940 and 3530814 are attached to this Petition for Cancellation.

6. Petitioner has widely used, promoted and advertised its mark ALERE in connection with the goods and services specified in Paragraphs 3 and 4, *supra*.

7. Petitioner has continuously used its ALERE mark in commerce since prior to the original filing dates of Registrations Nos. 2856168 and 3380080, and since prior to the dates of first use in commerce claimed in connection with Registrations Nos. 2856168 and 3380080.

8. Petitioner has invested significant time, money, and effort in the promotion and use of its mark ALERE. As a result, Petitioner has built up an extensive reputation and goodwill in the ALERE mark in relation to Petitioner's goods and services.

9. The ALAIR mark that is the subject of Registrations Nos. 2856168 and 3380080 is confusingly similar to Petitioner's mark ALAIR.

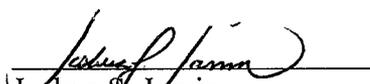
10. The goods and services set forth in Registrations Nos. 2856168 and 3380080 are similar and/or related to the goods and services with which Petitioner has used and is using its ALERE mark.

11. Respondent's use of the mark ALAIR for the goods and services identified in Registrations Nos. 2856168 and 3380080 is likely to cause confusion, mistake or deception as to the source of Respondent's goods and services, all to Petitioner's damage. Furthermore, customers or potential customers are likely to believe that Respondent's goods and services are sponsored or approved by or affiliated with Petitioner when that is not the case. Any dissatisfaction with Respondent's goods or services will reflect upon and damage the goodwill and reputation embodied in Petitioner's ALERE mark.

WHEREFORE, Petitioner prays that Registrations Nos. 2856168 and 3380080 be canceled and that this Petition for Cancellation be sustained. The filing fee for this Petition for Cancellation in the amount of \$600.00 (\$300.00 per class) is enclosed.

Respectfully submitted,

Alere Medical Incorporated


Joshua S. Jarvis
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
(617) 832-1000

Dated: June 18, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Petition for Cancellation and corresponding USPTO TARR, TESS, and Assignment database printouts were served upon Respondent:

Asthmatx Inc.
1340 Space Park Way
Mountain View, CA 94043

and the correspondent of record associated with Registration Nos. 2856168 and 3380080:

E. Lynn Perry
Perry IP Group A Law Corporation
4 Embarcadero Center, 39th Floor
San Francisco, CA 94111

by FedEx this date of June 18, 2009.



Joshua S. Jarvis



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 16 04:02:18 EDT 2009

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSER DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 4 out of 7**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark ALERE

Translations The English translation of "ALERE" is "feed, nourish, support, sustain or maintain".

Goods and Services IC 010. US 026 039 044. G & S: medical monitoring apparatus used to monitor and communicate data such as weight, blood pressure, blood glucose levels, other blood chemistry data, heart rate, EKG, coagulation time, peak flow, or other measurements of respiratory function in patients with chronic diseases such as asthma, diabetes, obesity, chronic hypertension, chronic renal disease and chronic obstructive pulmonary disease. FIRST USE: 19960826. FIRST USE IN COMMERCE: 19960826

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75766963

Filing Date August 3, 1999

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition January 1, 2002

Registration Number 2659940

Registration Date December 10, 2002

Owner (REGISTRANT) Alere Medical Incorporated CORPORATION CALIFORNIA 595 Double Eagle Court, Suite 1000 Reno NEVADA 89521

Assignment Recorded ASSIGNMENT RECORDED

Prior Registrations 2177638

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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

This page was generated by the TARR system on 2009-06-16 12:51:55 ET

Serial Number: 75766963 Assignment Information Trademark Document Retrieval

Registration Number: 2659940

Mark (words only): ALERE

Standard Character claim: No

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

Date of Status: 2008-07-14

Filing Date: 1999-08-03

Transformed into a National Application: No

Registration Date: 2002-12-10

Register: Principal

Law Office Assigned: LAW OFFICE 103

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: 2008-07-14

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

1. Alere Medical Incorporated

Address:

Alere Medical Incorporated
595 Double Eagle Court, Suite 1000
Reno, NV 89521
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

Phone Number: 781-314-4062

Fax Number: 781-647-3939

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

medical monitoring apparatus used to monitor and communicate data such as weight, blood pressure, blood glucose levels, other blood chemistry data, heart rate, EKG, coagulation time, peak flow, or other measurements of respiratory function in patients with chronic diseases such as asthma, diabetes, obesity, chronic hypertension, chronic renal disease and chronic obstructive pulmonary disease

Basis: 1(a)**First Use Date:** 1996-08-26**First Use in Commerce Date:** 1996-08-26

ADDITIONAL INFORMATION

Translation: The English translation of "ALERE" is "feed, nourish, support, sustain or maintain".**Prior Registration Number(s):**

2177638

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-14 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-07-14 - Assigned To Paralegal

2008-07-01 - TEAS Section 8 & 15 Received

2008-04-09 - Applicant/Correspondence Changes (Non-Responsive) Entered

2008-04-09 - TEAS Change Of Owner Address Received

2008-04-07 - Attorney Revoked And/Or Appointed

2008-04-07 - TEAS Revoke/Appoint Attorney Received

2008-02-28 - Case File In TICRS

2002-12-10 - Registered - Principal Register

2002-09-30 - Allowed for Registration - Principal Register (SOU accepted)
2002-09-20 - Assigned To Examiner
2002-09-19 - Statement of use processing complete
2002-08-21 - Amendment to Use filed
2002-08-23 - PAPER RECEIVED
2002-03-26 - Noa Mailed - SOU Required From Applicant
2002-01-01 - Published for opposition
2001-12-12 - Notice of publication
2001-09-06 - Approved for Pub - Principal Register (Initial exam)
2001-09-04 - Examiner's amendment mailed
2001-08-14 - Assigned To Examiner
2001-08-13 - Petition To Revive-Granted
2000-11-13 - Petition To Revive-Received
2000-09-12 - Abandonment - Failure To Respond Or Late Response
1999-12-28 - Non-final action mailed
1999-12-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Scott McClintock
ALERE MEDICAL INCORPORATED
595 Double Eagle Court, Suite 1000
RENO, NV 89521
Phone Number: 781-314-4062
Fax Number: 781-647-3939



United States Patent and Trademark Office

Home | Site Index | Search | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 4**Serial #:** 75766963**Filing Dt:** 08/03/1999**Reg #:** 2659940**Reg. Dt:** 12/10/2002**Registrant:** Alere Medical Incorporated**Mark:** ALERE**Assignment: 1****Reel/Frame:** 2472/0172**Received:** 04/01/2002**Recorded:** 03/13/2002**Pages:** 10**Conveyance:** SECURITY AGREEMENT**Assignor:** ALERE MEDICAL INCORPORATED**Exec Dt:** 02/25/2002**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** MARYLAND**Assignee:** VENTURE LENDING & LEASING III, INC.2010 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95131**Correspondent:** GREEN RADOVSKY MALONEY & SHARE LLP
RUSSELL D. POLLOCK, ESQ.
FOUR EMBARCADERO CENTER, SUITE 4000
SAN FRANCISCO, CA 94111**Assignment: 2****Reel/Frame:** 3515/0969**Received:** 04/05/2007**Recorded:** 04/05/2007**Pages:** 6**Conveyance:** SECURITY INTEREST**Assignor:** ALERE MEDICAL INCORPORATED**Formerly:** FORMERLY AGORA MERGER SUB, INC.**Exec Dt:** 04/02/2007**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** MERRILL LYNCH CAPITAL, A DIVISION OF MERRILL LYNCH BUSINESS FINANCIAL SERVICES, INC.222 NORTH LASALLE STREET
CHEVY CHASE, ILLINOIS 60601**Correspondent:** KATTEN MUCHIN ROSENMAN
525 WEST MONROE STREET
CHICAGO, IL 60661**Assignment: 3****Reel/Frame:** 3698/0121**Received:** 01/16/2008**Recorded:** 01/16/2008**Pages:** 87**Conveyance:** SECURITY INTEREST**Assignor:** ALERE MEDICAL, INC.**Exec Dt:** 06/27/2007**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** GENERAL ELECTRIC CAPITAL CORPORATION2 BETHESDA METRO CENTER, SUITE 600
BETHESDA, MARYLAND 20814**Correspondent:** KATHLEEN MANGUAL
C/O PAUL HASTINGS, LLP
75 EAST 55TH STREET
NEW YORK, NY 10022**Assignment: 4****Reel/Frame:** 3698/0786**Received:** 01/17/2008**Recorded:** 01/17/2008**Pages:** 88**Conveyance:** SECURITY INTEREST

Assignor: ALERE MEDICAL, INC.

Exec Dt: 06/27/2007

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT

2 BETHESDA METRO CENTER, SUITE 600
BETHESDA, MARYLAND 20814

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: KATHLEEN MANGUAL
C/O PAUL HASTINGS LLP
75 EAST 55TH STREET
NEW YORK, NY 20814

Search Results as of: 06/16/2009 12:51 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

| [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 16 04:02:18 EDT 2009

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSER DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 2 out of 7**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

ALERE

Word Mark	ALERE
Translations	The English translation of the word "ALERE" in the mark is "FEED", "NOURISH", "SUPPORT", "SUSTAIN" OR "MAINTAIN".
Goods and Services	IC 044. US 100 101. G & S: health care services. FIRST USE: 19961213. FIRST USE IN COMMERCE: 19961213
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77443888
Filing Date	April 9, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 26, 2008
Registration Number	3530814
Registration Date	November 11, 2008
Owner	(REGISTRANT) Alere Medical, Inc. CORPORATION DELAWARE 595 Double Eagle Court, Suite 1000 Reno NEVADA 89521
Prior Registrations	2659940
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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

This page was generated by the TARR system on 2009-06-16 12:51:18 ET

Serial Number: 77443888 Assignment Information Trademark Document Retrieval

Registration Number: 3530814

Mark

ALERE

(words only): ALERE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-11-11

Filing Date: 2008-04-09

Transformed into a National Application: No

Registration Date: 2008-11-11

Register: Principal

Law Office Assigned: LAW OFFICE 102

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: 650 -Publication And Issue Section

Date In Location: 2008-11-11

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

1. Alere Medical, Inc.

Address:

Alere Medical, Inc.
595 Double Eagle Court, Suite 1000
Reno, NV 89521
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware**Phone Number:** 781-314-4062**Fax Number:** 781-647-3939

GOODS AND/OR SERVICES

International Class: 044**Class Status:** Active

health care services

Basis: 1(a)**First Use Date:** 1996-12-13**First Use in Commerce Date:** 1996-12-13

ADDITIONAL INFORMATION

Translation: The English translation of the word "ALERE" in the mark is "FEED", "NOURISH", "SUPPORT", "SUSTAIN" OR "MAINTAIN".

Prior Registration Number(s):

2659940

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-11 - Registered - Principal Register

2008-08-26 - Published for opposition

2008-08-06 - Notice of publication

2008-07-23 - Law Office Publication Review Completed

2008-07-22 - Assigned To LIE

2008-07-22 - Approved for Pub - Principal Register (Initial exam)

2008-07-22 - Examiner's Amendment Entered

2008-07-22 - Notification Of Examiners Amendment E-Mailed

2008-07-22 - Examiners amendment e-mailed

2008-07-22 - Examiners Amendment - Written

2008-07-22 - Assigned To Examiner

2008-04-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ALERE MEDICAL, INC.

C/O INVERNESS MEDICAL INNOVATIONS, INC.

ATTN: JEAN M. MAXWELL, TM PARALEGAL/ADM

51 SAWYER ROAD, SUITE 200

WALTHAM, MA 02453

Phone Number: 781-314-4062

Fax Number: 781-647-3939



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77443888

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

| [HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

APPLICANT'S EXHIBIT 81

ESTTA Tracking number: **ESTTA304077**

Filing date: **09/01/2009**

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

Proceeding	92051129
Party	Defendant ASTHMATX, INC.
Correspondence Address	ASTHMATX, INC. 888 Ross Drive, 1st Floor Sunnyvale, CA 94089 UNITED STATES lperry@perryip.com
Submission	Answer
Filer's Name	E. Lynn Perry
Filer's e-mail	lperry@perryip.com
Signature	/elp/
Date	09/01/2009
Attachments	Answer to Pet to Cancel 090901.pdf (4 pages)(38022 bytes)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ALERE MEDICAL CORPORATION,) Cancellation No. 92051129
)
Petitioner,)
) Mark: ALAIR
v.) Reg. Nos. 2856168 and 3380080
)
ASTHMATX, INC.,)
)
Respondent.)
)

ANSWER

ASTHMATX, INC., Respondent, hereby answers the Petition to Cancel filed by ALERE MEDICAL CORPORATION, Petitioner, as follows. Respondent is without sufficient knowledge or information concerning the corporate status and place of business of Petitioner, and on that basis denies the same, and denies that Petitioner is or would be damaged by registration of ALAIR Reg. Nos. 2856168 and 3380080 (the "Registrations"). Further answering, Respondent alleges:

1. Respondent admits the allegations in paragraph 1 of the Petition.
2. Respondent admits the allegations in paragraph 2 of the Petition.
3. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Petition, and on that basis denies the same.
4. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Petition, and on that basis denies the same.
5. Respondent admits that copies of print-outs from the USPTO TARR, TESS, and Assignment databases for Reg. Nos. 2659940 and 3530814 are attached to the Petition. Respondent is without knowledge or information sufficient to form a belief as to the truth or

1 falsity of the remaining allegations contained in paragraph 5 of the Petition, and on that basis
2 denies the same.

3 6. Respondent is without knowledge or information sufficient to form a belief as to
4 the truth or falsity of the allegations contained in paragraph 6 of the Petition, and on that basis
5 denies the same.

6 7. Respondent is without knowledge or information sufficient to form a belief as to
7 the truth or falsity of the allegations contained in paragraph 8 of the Petition, and on that basis
8 denies the same.

9 8. Respondent is without knowledge or information sufficient to form a belief as to
10 the truth or falsity of the allegations contained in paragraph 8 of the Petition, and on that basis
11 denies the same.

12 9. Respondent denies the allegations contained in paragraph 9 of the Petition.

13 10. Respondent denies the allegations contained in paragraph 10 of the Petition.

14 11. Respondent denies the allegations contained in paragraph 11 of the Petition.

15 **AFFIRMATIVE DEFENSES**

16 1. The Petition fails to state a claim upon which relief can be granted.

17 2. The marks themselves and the goods and services to which they are applied are
18 sufficiently different that there is no likelihood of confusion.

19 3. There is no likelihood of confusion because the parties' marks have co-existed for
20 several years with no actual confusion.

21 4. On information and belief, Respondent used its mark ALAIR in connection with
22 medical devices and related services in relation to pulmonary diseases prior to any such use by
23 Petitioner, so Respondent has priority over Petitioner. Therefore, the Petition fails due to lack of
24 superior rights.
25

26 5. Petitioner lacks standing because there is no basis for Petitioner's belief that it is
27 damaged by Respondent's registrations.
28

-2-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

I am over the age of 18 and not a party to the within action. I am employed in the County of San Francisco, State of California by Perry IP Group ALC. My business address is 4 Embarcadero Center, 39th Floor, San Francisco, California 94111.

On the date indicated below, I served the following entitled document:

ANSWER

by placing a true and correct copy thereof in a sealed envelope addressed as follows:

Charles E. Weinstein, Esq.
Foley Hoag LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02210-2600

I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service. On this day, I placed for collection and processing the above document to be deposited with the United States Postal Service in the ordinary course of business. And in the ordinary course of the firm's business, such correspondence is deposited with the United States Postal Service the same day that it is collected.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 1, 2009 at San Francisco, California.



E. Lynn Perry