

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

Serial No.: 76/718,496
Mark: CHLORAFILM

TTAB

CAREFUSION 2200, INC.)
)
 Opposer,)
)
 v.) Opposition No. 91229023
)
 RYMED TECHNOLOGIES, LLC.)
)
 Applicant)

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

For its answer to the Notice of Opposition filed by CareFusion 2200. Inc., (“CAREFUSION”), RyMed Technologies, LLC. (“RYMED”) answers as follows:

1. RYMED is without information to admit or deny the allegations contained in paragraph 1 of the Notice of Opposition and, on that basis, denies them.
2. RYMED is without information to admit or deny the allegations contained in paragraph 2 of the Notice of Opposition and, on that basis, denies them.
3. RYMED is without information to admit or deny the allegations contained in paragraph 3 of the Notice of Opposition and, on that basis, denies them.
4. RYMED is without information to admit or deny the allegations contained in paragraph 4 of the Notice of Opposition and, on that basis, denies them.
5. RYMED admits the allegations contained in paragraph 5 of the Notice of Opposition.



6. RYMED denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. RYMED is without information to admit or deny the allegations contained in paragraph 7 of the Notice of Opposition and, on that basis, denies them.

8. RYMED is without information to admit or deny the allegations contained in paragraph 8 of the Notice of Opposition and, on that basis, denies them.

9. RYMED denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. RYMED denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. RYMED denies the allegations contained in paragraph 11 of the Notice of Opposition.

12. RYMED denies the allegations contained in paragraph 12 of the Notice of Opposition.

13. RYMED denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. RYMED repeats and realleges the allegations set forth in Paragraphs 1-13 as if set forth fully herein.

15. RYMED denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. RYMED denies the allegations contained in paragraph 16 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

CAREFUSION’s Notice of Opposition fails to state a claim upon which relief can be granted.

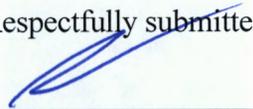
SECOND AFFIRMATIVE DEFENSE

CAREFUSION’s Notice of Opposition should be denied because the common portion of the asserted marks and RyMed mark is “chlora” which is descriptive given that RyMed’s product includes chlorhexidine.

THIRD AFFIRMATIVE DEFENSE

CAREFUSION’s Notice of Opposition should be denied because the common portion of the asserted marks and RyMed mark is “chlora” which is so commonly used in connection with topical products that the term has no protection under the Crowded Field Doctrine.

Respectfully submitted,



Edward D. Lanquist, Jr.
PATTERSON INTELLECTUAL
PROPERTY LAW, P.C.
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Attorneys for RyMed Technologies, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION has been served via Express Mail EF 162140819 US this 15 day of August, 2016, on:

Joseph R. Dreitler
Mary R. True
DREITLER TRUE LLC
19 E. Kossuth ST.
Columbus, Ohio 43206

EF162140819US



Edward D. Lanquist, Jr.

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this RYMED'S ANSWER TO NOTICE OF OPPOSITION along with two copies are being deposited with the United States Postal Service, via Express Mail, Label No. EF 163248984 US on Aug 15, 2013, addressed to:

BOX TTAB
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P. O. Box 1451
Alexandria, VA 22313-1451

EF163248984US



Edward D. Lanquist, Jr.